

**NAVAL POSTGRADUATE SCHOOL**  
**Monterey, California**



**THESIS**

**BASE REALIGNMENT AND CLOSURE (BRAC) 2005:  
CONGRESSIONAL DIALOGUE AND DECISION**

by

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June 2003

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**BASE REALIGNMENT AND CLOSURE (BRAC) 2005:  
CONGRESSIONAL DIALOGUE AND DECISION**

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## ABSTRACT

On December 13, 2001, the 107th Congress authorized a round of base realignment and closure (BRAC) for 2005. This policy decision was preceded by years of political dispute and dialogue between Congress and the executive branch. Much of this debate centered on the Clinton Administration's privatization-in-place of two bases scheduled for closure by the 1995 BRAC Commission and the dispute over estimated BRAC costs and savings. After painstaking compromise and a national security crisis, reformed BRAC legislation was passed, balancing political leadership and national strategy with job loss and disruption to local communities. A comprehensive analysis of journal articles, books, relevant congressional records, government reports, and legislation identifies the variables that explain Congress's decision to amend the Defense Base Closure and Realignment Act of 1990 and authorize a BRAC round in 2005. Congress eventually approved BRAC 2005 because: (1) a new presidential administration concurred with DoD's argument regarding excessive infrastructure and anticipated savings from BRAC; (2) national economic conditions could not support both spending for excess infrastructure and the war on terrorism; (3) studies confirmed that most communities can rebound economically after a base closure; and (4) the improved BRAC law purportedly reduced the parochial politics of base closings.

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## I. INTRODUCTION

### A. BACKGROUND

On June 28, 2001 in a statement to the House Armed Services Committee (HASC), the U.S. Secretary of Defense, Donald H. Rumsfeld, declared that a "rationalization and restructuring of DoD infrastructure was needed" and that "Under our Efficient Facilities Initiative, a 20-25% reduction in excess military bases and facilities could generate savings of several billion dollars annually" (Rumsfeld, 2001b). This wasn't the first time that a U.S. Secretary of Defense had declared an excess of military bases.

Indeed, the previous Defense Secretary, William S. Cohen, "indicated every year" in his Annual Report to the President and the Congress: that "our greatest opportunity for savings lies in continued reductions in the excess infrastructure left over from the Cold War," and that "another two rounds of BRAC could ultimately save over \$20 billion by 2015" (Annual Report, 2001, p. ix). Secretary Cohen further stated, "DoD needs at least two additional rounds of Base Realignment and Closure (BRAC) to divest itself of non-critical excess capacity" (Annual Report, 2001, p. 213).

Despite years of Department of Defense (DoD) requests, Congress resisted authorizing another BRAC round (Lockwood, 2002). Congressional reluctance stemmed from years of controversy surrounding the 1988, 1991, 1993, and 1995 BRAC rounds (Lockwood, 2002; Siehl, 1997a). As a result, the United States continued to have trouble closing its

military bases in order to match downsized force requirements (Siehl, 1997a).

In 1988, Congress initiated the BRAC process to reduce excess military infrastructure following the Cold War drawdown (Sorenson, 1998). Congress wasn't pleased with the 1988 special commission chartered by the Secretary of Defense, and in 1990 created an independent commission to oversee the three authorized BRAC rounds of 1991, 1993, and 1995 (GAO, 2002; Sorenson, 1998). By 1996, with the expiration of the 1990 BRAC legislation, DoD's authority to close or realign bases reverted to the highly restrictive 1970's BRAC legislation (GAO, 1997). As a result, in 1997, the Secretary of Defense asked Congress to authorize two more BRAC rounds (Lockwood, 2002).

However, the last round, the 1995 BRAC round, proved to be highly controversial (Lockwood, 2002). The 1995 BRAC Commission had recommended the closing of two Air Force maintenance depots in California and Texas (BRAC Report, 1995). However, the Clinton Administration vigorously opposed closing these two bases (Lockwood, 2002). Arguing that these states had already suffered disproportionately, the President forcefully implemented "privatization-in-place" (Lockwood, 2002). Congressional resentment over President Clinton's intervention persisted until the end of his second term and this intervention was repeatedly cited as the primary reason for congressional opposition to another BRAC round (Lockwood, 2002).

Congress remained reluctant to endorse new base closure legislation, even though the Congressional Budget Office estimated that, "When all of the actions from the



four BRAC rounds are completed, DoD will save about \$5.6 billion a year in operating cost" (CBO, 2001). DoD also informed Congress that it estimated a "net savings of about \$15.5 billion as of the end of FY 2002" (Lockwood, 2002).

The Clinton Administration's repeated calls for "additional rounds" were never authorized. It wasn't until informed by Mr. Rumsfeld that "one way that Congress could help us [the new Bush Administration] in this regard is to authorize additional BRAC rounds" that Congress finally authorized base closings (Rumsfeld, 2001a; S.1438, 2001). This study will focus on the significant explanatory variables that allowed the 107th Congress to amend the Defense Base Closure and Realignment Act of 1990 and authorize a BRAC round in 2005.

## **B. PURPOSE**

The objective of this research is to identify the significant explanatory variables involved in the decision of the 107th Congress to amend the Defense Base Closure and Realignment Act of 1990 and authorize a base realignment and closure round in 2005. Research will begin with a historical review of the BRAC process, and then examine and explain the legislative differences in the BRAC Acts of 1988, 1990, and 2001 (GAO, 2002). After highlighting the congressional arguments and controversies surrounding base closure from the 1960s until 2003, this research will then explain how the FY2002 Defense Authorization Act overcame previous objections to further BRAC legislation and achieved consensus from the 107th Congress to authorize a BRAC round in 2005 (GAO, 2002; Sorenson, 1998).

### **C. RESEARCH QUESTIONS**

The primary research question to be addressed in this thesis is: What are the significant explanatory variables that allowed the 107th Congress to amend the Defense Base Closure and Realignment Act of 1990 and authorize a base realignment and closure (BRAC) round in 2005.

Subsidiary questions are:

1. What is the organizational framework of the base closing process?
2. What are the important differences in the base closing laws of 1977, 1988, 1990, and 2001?
3. What were the important policy issues surrounding base closure from the 1960s until 2001?
4. How did the FY2002 Defense Authorization Act resolve the issues surrounding base closure from the 1960s until 2001?

### **D. BENEFITS OF STUDY**

This research will yield insights relevant to the Base Realignment and Closure process. It will be useful in further understanding the relationship between Department of Defense goals and congressional policymaking. Finally, this thesis will provide a detailed understanding of the military/political decision-making process of BRAC.

#### **E. SCOPE AND METHODOLOGY**

This thesis will: (1) review the BRAC legislative process; (2) review congressional testimony and other evidence related to BRAC; and (3) identify the critical features of the 2001 BRAC legislation adopted by Congress.

#### **F. METHODOLOGY**

The methodology used in this thesis will consist of the following steps:

- A literature review of congressional records, government reports, news articles, journals, Web sites, and legislation concerning BRAC.
- A review of congressional testimony concerning BRAC.
- An analysis of Title 10, U.S. Code, Chapter 159, section 2687, Base Closures and Realignments.
- An examination of the FY2002 President's budget proposing Department of Defense infrastructure reduction.
- An analysis of the FY2002 Defense Authorization Act concerning BRAC 2005.

#### **G. ORGANIZATION OF STUDY**

The thesis begins with a historical summary of base closure policy since the late 1960s and provides a brief

description of the base closing process. The study highlights the reasoning behind base closings prior to the 1988 legislation, the commission process from 1991-1995, and discusses the political controversy concerning the 1995 BRAC round. This section of analysis identifies the important differences in the base closing laws of 1977, 1988, 1990, and 2001.

The next portion of the study identifies several variables that led to the amending of the Defense Base Closure and Realignment Act of 1990. Providing an overview of the Department of Defense BRAC requests, the analysis focuses on the disruption to local communities, disputed BRAC savings, environmental cleanup costs, and the introduction of a new administration. A detailed examination of the Bush Administration's initial proposal, followed by Senate and House action authorizing a round of base closure and realignment in 2005 is conducted. The postponement of the BRAC Commission until 2005 is also addressed. The study concentrates on an analysis of the FY2002 BRAC legislation and the congressional approach to obtain a favorable BRAC outcome.

Finally, the thesis summarizes the changed base closing process. The review explains how the FY2002 Defense Authorization Act resolved the issues surrounding base closure between 1995 and 2001, and how congressional objections to another BRAC round were overcome.

## II. HISTORY OF BASE REALIGNMENT AND CLOSURE

### A. INTRODUCTION

In his seminal work, Essence of Decision, Graham Allison demonstrates that "Government decision-making is a complex multi-participant process" (Allison, 1999, p. 263). Accordingly, base closure policy is the result of "compromise, conflict, and confusion among government officials with diverse interests and unequal influence" (Allison, p. 295). Understanding the struggle over base closing policy, as evidenced in the 1960s and clearly witnessed in the mid-1990s, clarifies the "multiple causes that defy simple summary and easy generalization" (Allison, p. 263; Hadwiger, 1993; McCutchen, 1998; Siehl, 1997b). This chapter discusses the complex legislative evolution of base closure policy from the 1960's and ends with an overview of the 1995 Base Realignment and Closure (BRAC) round.

### B. EARLY BASE CLOSURE POLICY

In the early 1960s, the Department of Defense (DoD) closed military bases in an effort to reduce military overhead (McCutchen, 1998).<sup>1</sup> During this period, DoD conducted hundreds of base closures and realignments, closing more than 60 major bases without congressional consultation (BRAC Report, 1995; Globalsecurity, 2002). In fact, DoD so dominated the base closure process that in 1967 Secretary of Defense Robert McNamara openly boasted,

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<sup>1</sup> Base closures have followed every significant military drawdown throughout U.S. history (Sorenson, 1998; Huebner, 1997).

"we have not reversed a single base closure decision due to [congressional] pressure" (Hadwiger, 1993, p. 43). These closings continued even though the Chairman of the House Armed Services Committee (HASC), and the Chairman of the Senate Armed Services Committee (SASC) declared many of these base closures were "totally unjustified" (Cong. Rec., 1988a).

Fighting executive power to close bases, HASC Chairman Mendel Rivers introduced base closure reform legislation in 1965 (Hadwiger, 1993). The HASC Chairman challenged executive prerogative by quoting Article I, section 8 of the U.S. Constitution: "The Congress shall have power...To raise and support Armies...To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval forces" (Hadwiger, 1993 p. 61; U.S. Constitution). Mr. Rivers then asserted that if Congress has this constitutional power, surely Congress could require DoD to notify the U.S. House when a base would be closed (Hadwiger, 1993). However, Congress lost the 1965 battle.

While vetoing the 1965 attempt to intervene in base closure policy, President Johnson summarized executive prerogative:

By the Constitution, the executive power is vested in the President. The President is the Commander in Chief of the armed forces. The President cannot sign into law a bill which substantially inhibits him from performing his duty. He cannot sign into law a measure which deprives him of power ... and which prohibits him from closing, abandoning or substantially reducing in mission any military facility in the

country. The times do not permit it. The Constitution prohibits it (Johnson, 1965; Goldfein, 1994, p. 4).

As long as the executive branch maintained control over base closings, they were able to punish uncooperative members of Congress by unexpectedly closing bases in their district (Siehl, 1997b; Sorenson, 1998). In fact, Congress fully recognized, "that Lyndon Johnson and Richard Nixon were both known to use bases for political reprisals" (Cong. Rec., 1988a).

Throughout the 1960s, Congress continued to concede to executive prerogative (Hadwiger, 1993). Well into the 1970s, base closings continued independent of congressional control as hundreds of bases were closed in response to the end of the Vietnam War (McCutchen, 1998). Throughout the 1970s, individual legislators made muted attempts to forestall potential base closings in their districts, but it wasn't until after the prolonged struggle in the Vietnam conflict that Congress successfully challenged the "imperial presidency," and expanded its power "to make rules for the Government" concerning base closures (GAO, 1997; Hadwiger, 1993, p. 92; Sorenson, 1998; U.S. Constitution).

Between 1976 and 1988, Congress essentially blocked DoD's efforts to close military bases (GAO, 1997; Siehl, 1997b). In the name of saving jobs and reducing federal spending, Congress prevented DoD from closing any major domestic bases during this period (Siehl, 1997a, 1997b). The Speaker of the House, Tip O'Neill, who popularized the

quote "all politics is local," led the way in congressionally imposed restrictions (O'Neill, 1994, p. xv; Hadwiger, 1993, p. 72).

Speaker O'Neill, an ardent proponent for congressional base closure reform, and Congressman William S. Cohen, a future Secretary of Defense who, ironically, would decades later implore Congress "every year" for "at least two additional rounds" of BRAC, sponsored an amendment to the fiscal 1977 Military Construction Authorization bill (Annual Report, 2001, p. ix; Hadwiger, 1993).<sup>2</sup> The amendment required DoD to submit a "detailed justification of the proposed closure or reduction" to the HASC concerning any base employing 500 or more civilians (Hadwiger, 1993, p. 77). President Gerald Ford vetoed the Military Construction Authorization bill citing that it "raises serious questions by its attempt to limit my powers over military bases" (Ford, 1976; Hadwiger, 1993, p. 79).

However, the next year Congress not only incorporated the O'Neill-Cohen proposal into its fiscal 1978 Military Construction Authorization bill, but increased the stipulations and made them permanent (Hadwiger, 1993). On August 1st, 1977, President Jimmy Carter accepted Public Law 95-82 (Globalsecurity, 2002). The passage of the 1977 base closure reform law wrestled "total authority" from "the hands of the executive branch" and significantly expanded the power of Congress to determine base closure policy (Globalsecurity, 2002; Cong. Rec., 1988a).

The 1977 base closure law required DoD to comply "with the requirements of the National Environmental Policy Act



[NEPA] of 1969 with respect to [each] proposed closure or realignment" (BRAC Report, 1995; Hadwiger 1993, p. 85). Closure of any base with at least 300 civilian personnel or a realignment involving 1,000 civilian employees now required DoD compliance (BRAC Report, 1998, p. 25). NEPA adherence obligated DoD to submit comprehensive environmental impact statements before closing a base (Cong. Rec., 1988a). The law further directed the Secretary of Defense to notify Congress when a base was scheduled for closure or realignment and to provide "a detailed justification for such decision, including statements of the estimated fiscal, local economic, budgetary, environmental, strategic and operational consequences of the proposed closure or realignment" (Globalsecurity, 2002; Hadwiger 1993, p. 86). Because it mandated such extensive legal regulations, the 1977 law prevented DoD from closing any major military installation from 1977 to 1990 (Cong. Rec., 1988a; Siehl, 1997b; CBO, 1996).

#### **C. BRAC: 1988**

Although best remembered for increased defense spending, the Reagan Administration was also concerned about eliminating "inefficiency, waste and abuse in the Federal Government" (Sorenson, 1998; President's Survey, 1983b). In 1982, President Reagan established the "President's Private Sector Survey on Cost Control," commonly known as the "Grace Commission" (Sorenson, 1998, p. 44). Observing that DoD maintained over 5,600 separate

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<sup>2</sup> Mr. Cohen provides an example for Allison's forewarning that often where you stand depends on where you sit (Allison, p. 277).

installations worldwide, the Grace Commission concluded that "significant savings opportunities" could be identified, if the government conducted an "aggressive program to close or realign a significant number of military bases" (President's Survey, 1983a, p. 103). The Commission also recommended that DoD improve efficiency by consolidating many of its underused maintenance depots (President's Survey, 1983a, p. 74). However, the Commission admitted base closures were "politically painful," and recommended the "establishment of a Presidentially appointed bipartisan commission to study" the issue further (President's Survey, 1983a, p. 103, 1983b, III-9).<sup>3</sup>

After reaching its high water mark of over \$400 billion in 1985, defense spending was significantly decreased, forcing DoD to struggle with a dramatically reduced force structure (Sorensen, 1998; Stedman, 1999; QDR, 1997). By 1988, with the decline and eventual collapse of the Soviet Union, DoD wanted to reduce its Cold War base structure and use the savings toward improved readiness and new weapon systems development (Lockwood, 2001). The end of the Cold War signaled to all in Congress that there was a considerable mismatch between force size and base infrastructure (Sorensen, 1998).

Congressional awareness of the need to shrink the size of the U.S. military and increase its efficiency actually predated the removal of the Berlin Wall in 1989 (Mayer, 1988; Siehl 1997a). As the national economy staggered

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<sup>3</sup> Just as base closures have followed every significant military drawdown, it is noteworthy that no bases were closed during the Reagan buildup (Sorenson, 1998; Siehl, 1997b).

under historically high budget deficits, DoD's discretionary spending was targeted for fiscal cutbacks (Stedman, 1999). Initially both liberal democrats and conservative republicans supported base closings (Sorensen, 1998). Liberals saw BRAC as a way to curb defense spending, and Republicans saw it as a way to balance the budget without cutting military strength (Sorensen, 1998). With the Government "facing huge Federal budget deficits," many in Congress believed that "the closure and sale of surplus bases could be an important source of savings and revenue" (Dixon, 1988; Mayer, 1988, p. 1).

In fiscal year 1988, Congressman Dick Armey introduced an amendment to the Defense Authorization bill calling for a "Bipartisan Commission on Consolidation of Military Bases" (Armey 1987; Hadwiger, 1993).<sup>4</sup> During the ensuing debate, Armey stated, "I think this will save...or have the capacity to save as much as \$5 billion each year after it is enacted" (Armey, 1987; Hadwiger, 1993). Armey further clarified that his amendment "eliminates waste, cuts the red tape from base closing, and allows the process to go forward without fear of political reprisals" (Armey, 1987). However, many individual members wanted "to keep open bases in their district," and worried "that an administration would use the power to close bases as a political weapon" (Heinz, 1988; Morella, 1987). The Secretary of Defense and the Chairman of the HASC also opposed Armey's 1987 amendment, and it was defeated by a seven-vote margin (Cong. Rec., 1987; Hadwiger, 1993).

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<sup>4</sup> Congressman Armey's base closure bill incorporated many of the 1982 Grace Commission's recommendations (Hadwiger, 1993).

The following year, Armey "adopted a new approach to the problem," and introduced H.R. 4481, "The Defense Savings Act of 1988" (Cong. Rec., 1988b; Mayer, 1988, p. 1). Four versions of the base closure bill evolved as various committees claimed jurisdiction (Cong. Rec., 1988b). However, after considerable compromise, Armey crafted a substitute amendment that won the approval of Les Aspin, Chairmen of the HASC, and Sam Nunn, Chairman of the SASC (Nunn, 1988b; Richardson, 1995). The one-time only legislation authorized partial exemption from NEPA, delegation of property disposal authority, and provided Congress an "all or nothing" method of approving the base closing recommendations (BRAC Report, 1995; Kolbe, 1988). With the powerful support of both Chairmen of the HASC and SASC, Armey's proposal passed both Houses by a wide margin and became the basis for Public Law 100-526 (Delay, 1988; Hadwiger, 1993).

This time Secretary of Defense, Frank Carlucci, after consultation with Congress, endorsed Armey's amendment (Cong. Rec., 1988b; Hadwiger, 1993; Nunn, 1988b). In May 1988, several months before Congress completed its debate on base closure, Carlucci established a commission on base realignment and closure (CBO, 1996; Cong. Rec., 1988b). The Secretary chartered the Commission to "study the issues surrounding military base realignment and closure within the United States," and "determine the best process" (BRAC Report, 1988, p. 37). In order to reduce parochial politics, many members thought "it was important that the commissioners be named prior to the [base closure] bill coming to the floor," so that Congress "could have the opportunity to look over the [Commission's] membership"

(Dickinson, 1988). Despite the initial precautions, many still charged that the 1988 BRAC process was flawed by "partisan politics" (Cong. Rec., 1988b; Sorenson, 1998).

Under the 1988 BRAC law process, the individual Services proposed a list of bases to the twelve-member Commission appointed by the Secretary of Defense (Base Closure Act, 1988; BRAC Report, 1988; Nunn, 1988a). The Commission, reporting directly to Secretary Carlucci, generated the official list of recommended closures (BRAC Report, 1995). Using colored dots to display base selection criteria, the 1988 Commission conducted all of its hearings and votes in closed session (BRAC Report, 1995; Hadwiger, 1993). The Secretary of Defense, without authority to add or delete bases, reviewed the recommendations and forwarded the list to the President (BRAC Report, 1988; Carlucci, 1989; Nunn, 1988a). Carlucci declared his responsibility was "to endorse or reject their report as a whole," and believed he was "prohibited from altering the BRAC list (Carlucci, 1989). After approving the Commission's report, the President then sent it to Congress (Gordon, 1988). Upon receiving the list, Congress either approved the list in its entirety, or passed a "Joint resolution disapproving the recommendations" of the Commission (BRAC Act, 1988; Cong. Rec., 1988b).

The Commission released its report on December 29, 1988, less than two months after Congress authorized its implementation (Congress, 1988; Hadwiger, 1993). The Commission recommended the closure of 86 facilities, of which 16 were major bases (installations employing 300 or more employees) and the realignment of 54 bases (BRAC

Report, 1988, 1995; Hadwiger, 1993). The report impacted 145 bases and affected the electoral districts of 32 Senators and 21 members of Congress (Hadwiger, 1993; Siehl, 1997b). The 1988 BRAC Commission dissolved after submitting its final report, but the political debate continued (Siehl, 1997b; Sorenson, 1998).

The 1988 BRAC process failed to eliminate the appearance of politics from the start (Sorenson, 1998). Many members were upset that the Commission conducted the majority of its deliberations in private session (Hadwiger, 1993). Arme's original bill and the Grace Commission both recommended a "Presidentially appointed" commission to alleviate any political pressure that could be placed on the Secretary of Defense as a political appointee (Cong. Rec., 1987; President's Survey, 1983b; Sorenson, 1998). Additionally, the Commission's late start, and its mandate to analyze DoD's 3,800 facilities significantly impaired its ability to verify Pentagon data and visit any bases selected for closure (Dixon, 1988; Hadwiger, 1993; Specter, 1988). After examining the base closure criteria, Congresswoman Pat Schroeder testified that the Commission used "inaccurate information, faulty computations, or bad modeling in many cases" (Schroeder, 1989).

Although Les Aspin reported that "the distribution of the closed bases" looked "pretty fair and pretty reasonable," his criticism of the Commission's work was that it was "too modest," and that "savings to be gained from base closings really are overblown. Only \$700 million a year after the closing costs" (Aspin, 1988). This was far less than the \$2 billion to \$5 billion annual savings

suggested by the Office of Management and Budget (OMB) (President's Survey 1983a, p. 108). Additionally, the closures represented only a three percent reduction in domestic base structure (BRAC Report, 1995). Although two dozen congressional members were seriously affected, Congress breathed a great sigh of relief, and allowed BRAC I to go forward, believing "it was better for the outgoing administration to make this kind of hard decision" (Aspin, 1988; Dixon, 1988). The Chairman of the HASC thought it would be a decade before Congress faced another BRAC round (Aspin, 1988). As it happened, Aspin sponsored legislation calling for another BRAC round less than two years later (H.R. 4739, 1990).

#### **D. BRAC: 1990**

Congress wasn't overly pleased with the 1988 special commission chartered by the Secretary of Defense, and in 1990, created an independent commission to oversee the three authorized BRAC rounds of 1991, 1993, and 1995 (GAO, 2002; Sorenson, 1998). Although still subject to the restrictive 1977 base closure law, Secretary of Defense Dick Cheney triggered congressional action by unilaterally presenting Congress with a list of 46 bases selected for closure in January 1990 (Siehl, 1997b; Aspin, 1990; BRAC Report, 1995). Chairman Aspin declared that DoD violated the base closure process previously established by law, and that the list was illegal (Aspin, 1990). The appearance of multiple, conflicting base closure lists from the individual Services to various committees and members only stimulated the procedural debate (Aspin, 1990). Aspin

accused Dick Cheney of "playing at base closings while playing politics" (Aspin, 1990). Declaring also that 29 of the 35 proposed bases fell disproportionately in Democratic districts, the HASC Chairman rejected Secretary Cheney's list (Aspin, 1990). Nonetheless, Aspin acknowledged congressional responsibility to approve base closures, but only through a bipartisan commission process (Aspin, 1990). Although there was the expected major floor fight over the issue, Congress enacted P.L. 101-510, the Defense Base Closure and Realignment Act of 1990 (Schroeder, 1990a; Siehl, 1997b).

The 1990 law mandated a significant number of base closing provisions to avoid "the sloppiness and secrecy" of BRAC I (Schroeder, 1990b; Siehl, 1997b). First, it charged the Pentagon to evaluate all military installations within the U.S. on the basis of a DoD "Force Structure Plan," using congressionally approved selection criteria (Aspin, 1991; BRAC Report, 1995; Defense BRAC Act, 1990). DoD subsequently established three categories of selection criteria, "Military Value," "Return on Investment," and "Community Impacts" (GAO, 1997, p. 54; BRAC Report, 1995).

Attempting to standardize the decision-making process further, DoD used the Cost of Base Realignment Actions (COBRA) model for all four BRAC rounds to determine initial BRAC cost and savings (GAO, 1997). The 1990 statute specifically mandated DoD to provide economic adjustment assistance to any community and outplacement assistance to DoD civilian employees affected by base closings (Defense BRAC Act, 1990). It further directed the Secretary of Defense to ensure that the environmental restoration of



closing installations occur as soon as possible (Siehl, 1997b). Finally, the statute established time lines for DoD, the President, the Commission, GAO, and Congress to follow (GAO, 1997).

The 1990 law attempted to insulate the BRAC Commission from partisan politics as well (BRAC Report, 1995). The law obligated the General Accounting Office (GAO) to conduct a detailed study of DoD's recommendations and selection process, as well as assist the Commission in their analyses (BRAC Report, 1995). It directed the Commission to conduct open hearings and make its records available to the public (Defense BRAC Act, 1990). Learning from BRAC I, the Commission also ensured that at least one Commissioner visited each major site proposed for closure (BRAC Report, 1995). Finally, the law also stipulated that no more than one-third of the Commission's staff could be DoD employees (Defense BRAC Act, 1990).

The new BRAC Commission consisted of eight presidentially-appointed members, with the advice and consent of the Senate (Defense BRAC Act, 1990). In determining Commission bipartisanship, the 1990 Act required the President to consult the Speaker of the House in appointing two members, the Senate Majority Leader on two, and the Senate and House Minority Leaders on one appointee each (Defense BRAC Act, 1990). To further minimize partisan politics, Congress directed the Commission to convene only during the non-election years of 1991, 1993, and 1995 (Siehl, 1997b).

Under the 1990 law, the individual Services presented a list of bases to the Secretary of Defense (BRAC Report,

1995). After reviewing the Services' recommendations, the Secretary submitted the consolidated list to the BRAC Commission (BRAC Report, 1995; GAO, 1997). With authority to add or delete bases, the Commission reviewed the recommendations and forwarded the list to the President (BRAC Report, 1995; Siehl, 1997b). However, the 1990 BRAC law provided the President with several options (Defense BRAC Act, 1990). The President could accept the Commission's recommendations and send the list to Congress, or reject them and require the Commission to present a revised list (Defense BRAC Act, 1990). After receiving the new list, the President could also legally terminate the base closing process by not forwarding the list to Congress (BRAC Report, 1995; Defense BRAC Act, 1990). Like the 1988 statute, the 1990 law required Congress to either approve the list in its entirety or pass a "Joint resolution disapproving the recommendations" of the Commission (Defense BRAC Act, 1990).

#### **E. BRAC: 1991-1995 OVERVIEW**

Adhering to the legislatively mandated timeline, DoD released its proposed closure list in April 1991 to the BRAC Commission (Siehl, 1997b). The Secretary of Defense suggested the closing and realignment of 71 bases, recommending 43 for closure and 28 for realignment (Matsui, 1991). After conducting hearings and analysis, the Commission issued a list of "preliminary candidates" a month later, and on July 1, 1991 submitted its "final list" to the President (Siehl, 1997b). The BRAC II Commission recommended closing 82 bases, of which 26 were major

facilities (BRAC Report, 1995). The reductions represented five percent of the domestic base structure, and an estimated savings of \$1.5 billion annually (BRAC Report, 1995). On July 10, President Bush approved the Commission's report and transmitted it to Congress (Siehl, 1997b). Subsequently, "uproar over the proposed base closures" occurred in Congress (Ford, 1991).

Most members believed "the commission process fulfilled its promise of fairness" (Aspin, 1991). However, there were accusations of "internal Pentagon politics being played" (Weldon, 1991). Members accused the Navy of "thumbing their noses at the process," and the Army of "backroom decision-making" (Aspin, 1991; Matsui, 1991). Additionally, GAO reported that the Services used inaccurate data in the COBRA model (McMillen, 1991). Despite the controversy, Congress decided the BRAC II process was "far superior to the unfair closure attempts made" in 1988 and by not passing a joint resolution to disapprove, made BRAC II the "law of the land" (Atkins, 1991; Cong. Rec., 1991; Molinari, 1991). Nonetheless, BRAC affected members warned their colleagues to improve the BRAC process for 1993 and 1995 (Cong. Rec., 1991).

On January 5, 1993, before leaving office, President Bush submitted eight nominees to the BRAC III Commission (Nunn, 1993). President Clinton implicitly agreed to the bipartisan appointees (Nunn, 1993). James Courter, the 1991 Commission Chairman, headed the new Commission (Siehl, 1997b). Les Aspin, after becoming the 18th Defense Secretary, submitted "the mother of all base closures" to the BRAC Commission on March 12, 1993 (BRAC Report, 1995;

Feinstein, 1993; SecDefs, 2002a). After conducting 125 base visits and 17 regional hearings, the Commission forwarded its report to President Clinton on July 1, 1993 (Nunn, 1993). The BRAC III Commission recommended closing 130 bases and realigning 45 others (BRAC Report, 1995). Twenty-eight were major installations (BRAC Report, 1995). Agreeing with the entirety of the Commission's report, President Clinton sent it to Congress for a "healthy debate regarding the base closure process" (Nunn, 1993).

The 1993 base closings generated "powerful feelings of anger, denial, and resistance" from citizens and elected officials alike (Pryor, 1993). Congress expressed "deep feelings of sympathy for the significant adverse economic impact" and "trauma of base closures" experienced by local communities (Nunn, 1993). However, GAO reported that the Pentagon, notwithstanding the unexpected escalation of environmental restoration costs, used a sound approach (Nunn, 1993). Although many members felt BRAC III was "not perfect," Congress acknowledged DoD's struggle with a significant mismatch between force size and base infrastructure (Nunn, 1993; Glenn, 1993). On 20 September 1993, Congress accepted the Commission's report in its entirety (Cong. Rec., 1993). The reductions represented six percent of the domestic base structure and an estimated annual savings of \$2.3 billion (BRAC Report, 1995).

On 28 February 1995, Secretary of Defense William Perry submitted a closure list to the 1995 BRAC Commission calling for the closure and realignment of 146 facilities, 33 of which were major facilities (BRAC Report, 1995; House Report 104-220, 1995). The 1995 Commission dropped 13

bases and added nine new ones from DoD's list (Hellman, 2001). After conducting 206 base visits and 16 regional hearings, the 1995 BRAC Commission recommended closing or realigning 132 installations, 28 of which were major bases (H. Rpt. 104-220, 1995). Although the Commission's final report differed slightly from DoD's, it would prove highly controversial (Siehl, 1997b).

The BRAC Commission forwarded its report to President Clinton on June 30, 1995 (BRAC Report, 1995; Siehl, 1997b). President Clinton approved the Commission's report, but told Congress to allow "Privatization-in-Place" to be "an integral part of the [BRAC] report" (Clinton, 1995). Congress was "seriously concerned" about the President's handling of the bipartisan process (H. Rpt. 104-220, 1995). After considerable debate, (discussed in the next chapter) Congress allowed the last BRAC round to proceed (Siehl, 1997b). The BRAC IV Commission expected annual savings of \$1.6 billion, and when combined with closures from the other three rounds, a 21 percent reduction in the domestic base structure (H. Rpt 104-220, 1995; Lockwood, 2001). All four BRAC rounds resulted in the decision to close 97 of 495 major domestic bases (GAO, 1997). By 1996, with the expiration of the 1990 BRAC legislation, DoD's authority to close or realign bases reverted to the highly restrictive 1977 base closure law (GAO, 1997).

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### III. BASE CLOSING: CLINTON ADMINISTRATION

#### A. INTRODUCTION

Although, the 1995 BRAC round was advertised as "the mother of all BRACs," in actuality, it wasn't much bigger than the 1993 round (Goodman, 1998). Nevertheless, the 1995 BRAC spawned a mammoth political debate. In Essence of Decision, Allison argues, "Presidents rarely, if ever, make decisions," because they are often presented with limited options by their organization (Allison, 1999, p. 165). Allison adds that because "a policy decision is a work in progress...each player pulls and hauls with the power at his discretion for outcomes" of their choosing (Allison, 1999, pp. 302-303). President Clinton's involvement with two Air Force depots located in voter-rich California and Texas during a presidential election year clearly involved multiple actors all seeking competing interests (Lockwood, 2002; Kitfield, 1997).

#### B. BRAC: 1995

The Department of Defense (DoD) opposed the closing of any of its five major Air Force maintenance depots (Devroy, 1995; BRAC Report, 1995). The Pentagon proposed to the 1995 BRAC Commission that, instead of closure, the Air Force realign and redistribute workload throughout the maintenance depots ("Air Force and DoD Report," 1995). The Air Force argued that the recommended realignments would consolidate production lines and move workloads to a minimum number of locations, allowing the reduction of personnel, infrastructure, and other costs (Kreisher,

1998). However, the 1995 Commission disagreed and cited "significant excess capacity and infrastructure in the Air Force depot system," recommending closure of the least efficient maintenance depots located at McClellan Air Force Base (CA) and Kelly Air Force Base (TX) (BRAC Report, 1995, pp. 85, 109).

The BRAC Commission felt justified overruling the Pentagon's recommendations because all five of the USAF depots were operating at 50 percent capacity, and because they believed DoD "deviated substantially from the force-structure plan," (BRAC Report, 1995, pp. 84, 109; Lockwood, 2002). The General Accounting Office (GAO) determined that the "Air Force's recommendation may not be cost-effective and does not solve the problem of excess depot capacity" (GAO, 1995, p. 7). Additionally, GAO estimated a "savings of over \$200 million annually" if maintenance workloads were transferred to the other depots (Inhofe, 1997b). GAO further estimated that the complete closure of McClellan, and realignment of Kelly would result in annual savings of \$468 million (Chambliss, 1997b; Warren, 1997b). The BRAC Commission "considered these factors and concluded that large potential savings and excess capacity of the Air Force depot system necessitated the difficult decision to close these activities and consolidate work at the remaining depots" (Inhofe, 1997a).

The BRAC Commission, recommending the closure of McClellan AFB and realignment of Kelly AFB, assumed the Air Force would "consolidate" and shift billions of dollars of maintenance work to the three surviving depots (BRAC Report, 1995, p. 85; Kitfield, 1998b). Congressional



members of the Depot Caucus held a similar hope (Kreisher, 1998). On June 30, 1995, the BRAC Commission forwarded its report to President Clinton (BRAC Report, 1995; Siehl, 1997b).

### C. MODIFIED BRAC PROCESS

President Clinton, after calling the BRAC decision "an outrage," and expressing "fist-pounding, finger-pointing" anger over the 1995 recommendations, approved the Commission's report, but told Congress to allow "Privatization-in-Place" to be "an integral part of the [BRAC] report" (Harris, 1995; Clinton, 1995).

The Clinton Administration proposed a "novel plan" of "privatization-in-place" for the two depots, with the prospect of saving 22,000 jobs in key battlegrounds for the 1996 presidential election (Lockwood, 2002; Kitfield, 1998a). While campaigning at Kelly Air Force Base, President Clinton promised, "The people who won the Cold War could not be left out in the cold" (Harris, 1995). As described by Secretary of Defense Perry, "privatization-in-place" keeps the "skilled workers at those bases there and working" by allowing private industry to perform the maintenance workload at the closed depots (Hellman, 2001; Warren, 1996). To limit the adverse impact on the local communities, President Clinton specifically directed that BRAC actions on McClellan and Kelly be delayed until 2001 (Warren, 1996; GAO, 1996b). The White House maintained unusual oversight of the "privatization-in-place" plan through special meetings and memos (Spence, 1998; Druyun, 1998; Peters, 1998). As a result, Congress felt Clinton

broke the rules by picking two of the "biggest political plums" from an "all or nothing" BRAC list (Lockwood, 2002; Kitfield, 1998a; BRAC Report, 1995, p. 5-2)<sup>5</sup>

#### D. DEPOT DEBATE

The "privatization-in-place" plan produced a hostile war on Capitol Hill between the Clinton Administration and the "powerful Depot Caucus" (Kitfield, 1998b). The President's handling of the BRAC process not only raised "serious bipartisan concerns" with Congress, but united 50-plus legislators from Georgia, Oklahoma, and Utah whose depots stood to receive billions of dollars from the transfer of work from the McClellan and Kelly Depots (Spence, 1998; Kitfield, 1998b). Reporting to Congress, GAO revealed that "Privatization-in-place eliminates the opportunity to consolidate workloads at the remaining centers" and will not "achieve substantial economy of scale savings and other efficiencies" (Nunn, 1997; GAO, 1996b).

The success and questioned legality of "privatization-in-place" rested on having a competitive private sector company bid and win the California and Texas depot workloads (Peters, 1998; Hansen, 1998a; House Report 104-220, 1995). When it appeared that Lockheed Martin, based in California, wasn't bidding for the workload at the closing depots, the White House expressed unusual concern and held a special meeting with the acting Secretary of the

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<sup>5</sup> An April 26 memo from Secretary Peters (obtained by Rep. James Hansen) was judged by Congress as the "smoking gun" that proved "the White House compromised the integrity of the base closure process" (Costa, 1998; Spence, 1998).

Air Force (Peters, 1998). Congress immediately questioned "White House interest in such an arcane defense issue" (Spence, 1998).

The Depot Caucus became angrier when the Air Force announced it would "bundle" the entire workload at McClellan and offer it as a single package (Kitfield, 1998b). Although the larger defense companies prefer bundling because it allows costs to be spread over a larger workload, it significantly decreased the opportunity for the remaining three depots to receive the contract (Riley, 1998; Kreisher, 1998). The Department of Defense argued, "certain individual depot level maintenance and repair workloads could not be logically and economically executed unless they were bundled" (Spence, 1998; GAO, 1998a). However, GAO concluded that DOD failed to provide adequate documentation and support for depot bundling (Spence, 1998; GAO, 1998a).

Many in Congress believed bundling was "a scheme specifically designed to keep contracts out of public depots and to allow private contractors to perform the work at the closing bases" (Kitfield, 1998a). Surveying the depot battles, one senior Lockheed executive stated, "this controversy over the depots is, without question, the most divisive defense issue I've ever witnessed" (Kitfield, 1998a). However, many in Congress felt the evolving controversy wasn't "limited to politics and [the] substance of depot maintenance" but centered on "damage [to] an already deeply strained working relationship between the executive and legislative branches" (Spence, 1998; Warner, 1997).

#### **E. POLITICAL FALLOUT**

Congressional resentment over the Clinton Administration's intervention in base closures persisted until the end of his second term and remained the primary reason for congressional opposition to any new BRAC rounds (Lockwood, 2002; Lott, 2001a). Congress felt the base closure "collusion between the White House, the Deputy Secretary of Defense and the Secretary of the Air Force [was] outrageous, unethical and potentially illegal" (Costa, 1998; House Report 104-220, 1995). Congress believed the Administration violated the integrity of the BRAC process, and until trust was completely restored, there was "very little support in the Congress for another round of base closings" (Hefley, 1998; Chambliss, 1997a; Smith, 1998). When asked about future base closures, the Chairman of the House National Security Committee stated:

I frankly don't see how, or why, Congress would approve authority for the administration to close more bases in light of the politics the President imposed upon the 1995 base closure process, a process that had been devoid of politics up until that time (Berenson, 1997).

With BRAC politically broken, lower than expected savings, and skyrocketing environmental clean up costs, Congress only hardened its stance against future BRAC rounds.

#### IV. BASE CLOSING: 1997 TO 2001

##### A. INTRODUCTION

Every year from 1997 to 2001, Secretary of Defense William Cohen informed Congress of the Department of Defense's (DoD) need to eliminate unneeded bases (Cohen, 1997a; Annual Report, 1998, 1999, 2000, 2001). Additionally, congressionally mandated reviews confirmed the Defense Secretary's claim that DoD possessed from 13 to 23 percent excess base structure (QDR, 1997, 2001; BRAC Report, 1995, 1998).<sup>6</sup> Moreover, base closures were saving DoD \$14 billion by 2001 (BRAC Report, 1998). The Congressional Research Service (CRS), Congressional Budget Office, (CBO) and the General Accounting Office (GAO) all confirmed DoD's findings concerning excess infrastructure and estimated BRAC savings (Lockwood 2002; Siehl, 1997b; CBO, 1998; GAO, 1998b, 1998c). However, Congress refused to authorize another BRAC round (Lockwood, 2002).

Although continually arguing that Clinton had "poisoned the well," BRAC opponents also noted that BRAC devastated local communities and failed to produce savings because of the significant closing and environmental restoration costs (Kitfield, 1997; Roberts, 1998; Cohen, 1999, 2000; Smith, 1998; Mitchell, 1999; GAO, 1998c, 2002). The previous chapter reviewed the Clinton Administration's involvement in the 1995 BRAC process; this chapter reviews the controversy surrounding community economic impact, BRAC costs and savings, and environmental restoration costs.

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<sup>6</sup> The 1997 QDR reported DoD needed two additional rounds of BRAC similar in size to the 1993 (six percent) and 1995 (seven percent) rounds (QDR, 1997, p. VIII; BRAC Report, 1995).

## **B. BRAC REQUESTS: 1997-2000**

In Presidential Power, Neustadt advised that a President must balance "an operation that proves manageable to the men who must administer it, acceptable to those who must support it, [and] tolerable to those who must put up with it, in Washington and out" (Neustadt, 1990, p. 155). Neustadt counseled, "Timing can be crucial for support and acquiescence" (Neustadt, 1990, p. 155). The timing for a new BRAC Round during the Clinton Administration remained "the wrong time, wrong message" (Snowe, 1999).

Secretary of Defense Cohen, attempting to persuade those in Congress who were saying "that the time for BRAC is not yet right," countered by exclaiming, "There will never be a right time to take up base closures" (BRAC Report, 1998). Congress made the Secretary's statement a prediction, even though the previous Defense Secretary, William Perry, had also told Congress "quite candidly that there's still some more [excess bases] that could be taken out if we had an additional round of BRAC, but it would be painful" (Perry, 1996). Moreover, the 1995 BRAC Commission felt another BRAC round was necessary, recommending "that the Congress authorize another Base Closure Commission for the year 2001" (BRAC Report, 1995, p. 3-2). The Pentagon stressed that the Quadrennial Defense Review's (QDR) "fundamental and comprehensive examination of America's defense needs from 1997 to 2015," confirmed "DoD has enough excess base structure to warrant two additional rounds of BRAC," and that it is "absolutely critical" that DoD reduce "not only bases and other supporting facilities, but also the laboratories and test ranges which support research,

development, test, and evaluation" (QDR, 1997, Sect.VIII; Annual Report, 2000, Ch.15). In essence, DoD possessed 23 percent too much base capacity (BRAC Report, 1998).<sup>7</sup>

From 1997 to 2001, Secretary of Defense Cohen "indicated every year" DoD's need "to divest itself of non-critical excess capacity," and explained to Congress, "We're carrying extra weight" (Annual Report, 1998, 1999, 2000, 2001, pp. ix, 213; Cohen, 1997a). The Defense Secretary noted that since 1985, defense spending has been reduced by 40 percent, DoD force structure compressed by one-third, yet Congress has reduced DoD infrastructure by only 21 percent (Cohen, 1997a). Clearly desiring base closures, the Pentagon declared that "the BRAC process is a proven, effective tool" (BRAC Report, 1998, p. iv). Except for delaying the start of the BRAC process by two months, DoD proposed using "essentially the same procedures that were used in the 1995 BRAC round" for new BRAC rounds in 2001 and 2005 (BRAC Report, 1998, p. iv). However, and perhaps in exasperation, Secretary Cohen suggested to his former Senate colleagues, that if Congress was "unhappy with the way in which the BRAC process was carried out," they should "change the law" (Cohen, 1998, 1997b; SecDefs, 2002b). However, the Chairman of the Senate Armed Service Committee, Senator John Warner, gave an early but final decision on any new BRAC rounds during the Clinton Administration:

I frankly don't see any means that we could succeed [with] any of the [BRAC] proposals that have surfaced. This is not the time -- I repeat,

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<sup>7</sup> The 2001 QDR reported that DoD maintains between 20 and 25 percent excess infrastructure (QDR, 2001).

not the time -- for the Senate to take up base closing legislation (Bradley, 1998).

Congress claimed there were several reasons why now was "not the time" to authorize base closures (Bradley, 1998).

### C. ECONOMIC IMPACT ON BRAC COMMUNITIES

In Congress and the Bureaucracy: A Theory of Influence, R. Douglas Arnold explained that, "Congressmen have little choice but to work to protect the military installations in their districts, because local beneficiaries see such installations as semi-permanent benefits" (Arnold, 1979, p. 101). Reciprocally, once "communities acquire military installations, they grow accustomed to receiving continuous flows of federal funds" (Arnold, 1979, p. 101). In summary, Congress was acutely aware of their constituents' "grass-roots" opposition to future base closings (Roberts, 1998; Cohen, 1999, 2000; Smith, 1998; Mitchell, 1999). Moreover, BRAC opponents claimed the advertised BRAC savings didn't outweigh the job loss and disruption caused to local communities (Taylor, 1997b; Roberts, 1998; Smith, 1998; Mitchell, 1999; GAO, 1998c, 2002).

Many in Congress opposed another BRAC round because of the widespread fear held by their constituents concerning future base closings (Lockwood, 2002; GAO, 1998c). Although base closures resulted in the loss of thousands of jobs, in some cases, the resulting panic from the announcement of an impending closure created a more severe economic impact than the closure itself (GAO, 1998c). Not wanting their communities in "BRAC purgatory," Congress



hunted for "a way of somehow minimizing the cost and expense to communities," "anything to prevent national hysteria" (Roberts, 1998; Smith, 1999; Cohen, 1999; Thurmond, 1998, p. 4).<sup>8</sup> However, many worries were unwarranted since BRAC studies revealed that most communities rebounded economically from base closures (GAO, 1998b, 1998c, 2001c; BRAC Report, 1998).

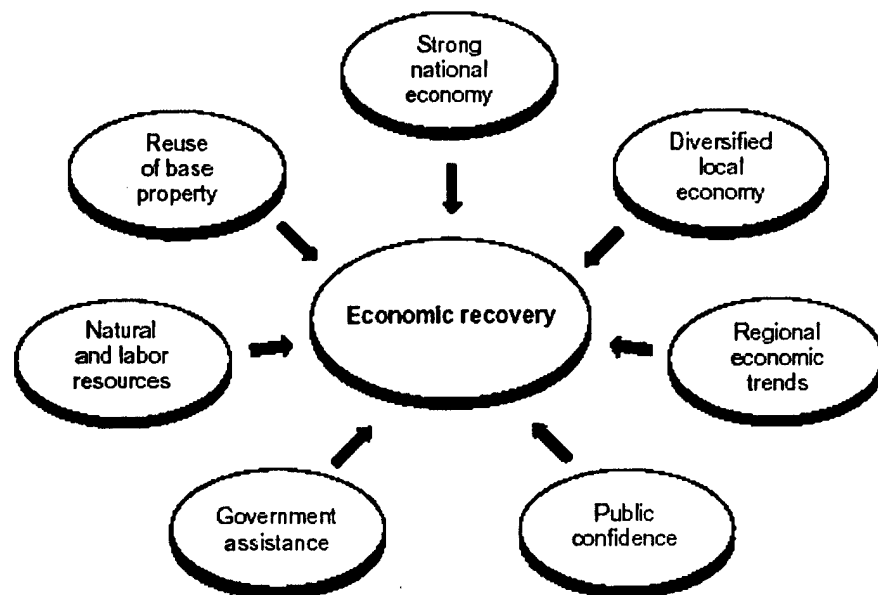
As early as 1996, the Rand National Defense Research Institute concluded that "while some of the communities did indeed suffer, the effects were not catastrophic [and] not nearly as severe as forecasted" (Dardia, 1996, p. xii). The Rand Institute calculated that many of the "noticeable effects" of base closures were "relatively localized" and were "at least partly offset by other economic factors" (Dardia, 1996, p. xii). The Congressional Research Service also determined "that most of the 163 localities affected by the base closure and realignment decisions of the 1988, 1991, 1993, and 1995 rounds have a relatively low degree of economic vulnerability to job losses" (Siehl, 1997a, p. 16). Highlighting its work "to help BRAC communities create jobs," DoD assured Congress that at bases closed more than two years, 75 percent of the civilian jobs lost had already been replaced (BRAC Report, 1998, p. 55). In its analysis, CBO observed, "the economic impact of base closures on communities depended on many factors, including the size and strength of the local economy and whether the community is urban or rural (CBO, 1998, p. 8).

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<sup>8</sup> To limit public anxiety, some members even suggested DoD create "a list of bases" that would be off limits for base closure consideration (Hefley, 2000, 2001; McHugh, 2000; "Cohen mulls," 1999).

In concurrence with CBO, GAO stressed in 1998 through 2002 that "the strength of the national economy and the level of economic diversity in the affected communities played a strong role in determining how well" a community survived a base closure (GAO, 1998b, p. 12, 2002). GAO also asserted that "successful redevelopment of base property" served a significant function in economic recovery (GAO, 2001c, p. 1). After detailed analyses, GAO concluded that seven factors affect economic recovery: (1) the national economy; (2) the diversification of the local economy; (3) regional trends; (4) public confidence; (5) government assistance; (6) natural and labor resources; and (7) reuse of base property (GAO, 1998c).

Figure 1. Seven Factors Affecting Economic Recovery (GAO, 1998c).



In 2001, GAO reported that, "prior studies and the studies of others indicate that over time many communities

have absorbed the economic losses [and] most communities are recovering from the economic impacts of base closures" (GAO, 2001c, p. 4). Summarizing for Congress, the Congressional Research Service concluded that "emerging experience indicates that more jobs, not less, follow many, but not all, closures" (Siehl, 1997b, p. 16). Nonetheless, before causing even temporary job loss and disruption in their districts, Congress needed convincing evidence that BRAC savings were substantial and real (National Defense, 1997; GAO, 1998c, 2002).

#### **D. QUESTIONING BRAC COSTS AND SAVINGS**

Congress repeatedly questioned DoD concerning the expected BRAC costs and realized savings (Roberts, 1997; Taylor, 1997a; GAO, 1996a, 1998c, 2001b). Imprecise responses by DoD led many in Congress to believe more time was needed to "effectively understand the total cost" and "determine the exact savings from [the] previous rounds" of base closures (Allen, 1997; Thurmond, 1998, p. 4; GAO, 2002). Congress also believed that:

the alleged [BRAC] savings were not going to go to procurement, modernization, quality of life and readiness. They were going to go to more and more of the various missions that some of us think are not involved in our national security. ...i.e. Bosnia (Roberts, 1998; Smith, 1998).

Congressional displeasure deepened, as DoD officials continually testified that BRAC costs and savings remained difficult to quantify (Inhofe, 1998; Goodman, 1998).

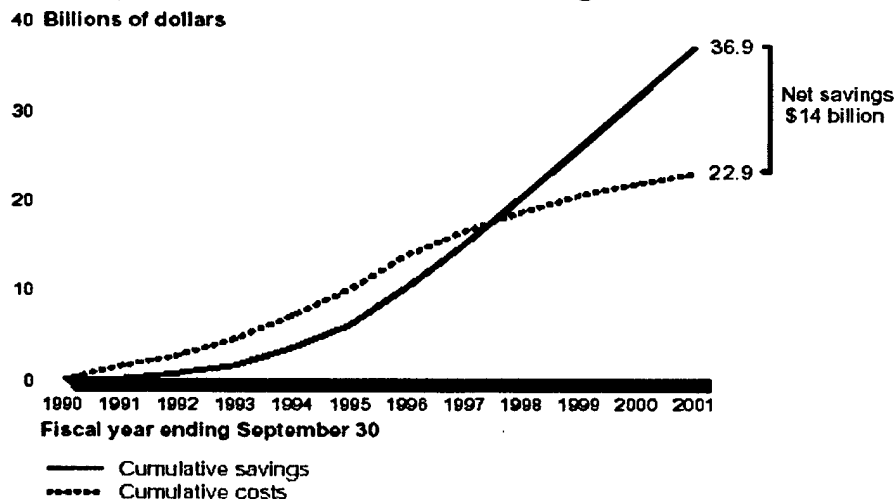
However, DoD defended its position throughout the years by arguing that BRAC costs and savings

by their very nature,...are subject to some uncertainty. The Department reallocates expected BRAC savings through numerous decisions made as part of the normal process of planning, programming, and budgeting. No audit trail, single document, or budget account exists for tracking the end use of each dollar saved through BRAC (BRAC Report, 1998, pp. v-vi).

Nonetheless, DoD told Congress it was "committed to improving its estimates of costs and savings in future BRAC rounds" (BRAC Report 1998, p. vi).

The Pentagon asserted that because "budget estimates have changed does not mean that BRAC costs are out of control or that costs will grow so large as to cancel savings" (BRAC Report, 1998, p. 33).<sup>9</sup> In fact, the Pentagon reported that since 1998, BRAC costs now equal BRAC savings, (Figure 2) and by 2001, DoD will save \$14 billion in reduced infrastructure costs (BRAC Report, 1998).<sup>10</sup>

Figure 2. Reported BRAC Costs & Savings (GAO, 1998c).



<sup>9</sup> The unexpected costs of environmental restoration, and unrealized government land sale revenues delayed the realization of BRAC savings by several years (Warren, 1997a; CBO, 1996).

<sup>10</sup> GAO now estimates BRAC net savings to be \$16.7 billion through fiscal year 2001 (GAO, 2002).

The Pentagon's difficulty in assessing and reporting BRAC costs and savings concerned two aspects of measurement (Lockwood, 2001). The first involved complex data collection and confirmation of statistical accuracy (Warren, 1997a; Lockwood, 2001; CBO, 1998).<sup>11</sup> The second concerned the "need to disentangle the effects of BRAC and non-BRAC factors on [complex] expenditures," such as relocating personnel and equipment, constructing new facilities to accommodate transferred operations at gaining bases, and environmental restoration (Lockwood, 2001; CBO, 1998, p. 6; GAO, 2001b).<sup>12</sup>

The 105th Congress, greatly concerned about "the costs and savings attributable to the [four] rounds of base closures," required DoD to produce an extensive study concerning BRAC savings (National Defense, 1997). The National Defense Authorization Act of Fiscal Year 1998, directed DoD to submit a meticulous accounting of the "actual costs and savings" associated with BRAC (National Defense, 1997).<sup>13</sup> Almost a year in advance of the congressional deadline, and providing "most, but not all, of the information required," DoD submitted its BRAC status

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<sup>11</sup> The Pentagon's inability to recover the base closure estimates originally presented to the BRAC Commissions significantly complicated BRAC costs and savings measurement (Lockwood, 2001; CBO, 1998).

<sup>12</sup> Additionally, there is uncertainty associated with the projected personnel reductions attributed solely to BRAC during the Cold War drawdown (CBO, 1998; BRAC 1998, p. 49; Lockwood, 2002, p. 3; Baucus, 2001; Stevens, 2001; Tapp, 2001).

<sup>13</sup> Incidentally, among the 11 required "elements" of the Defense Act, Congress insisted DoD provide a list of each military installation with 300 or more civilian personnel, the current excess capacity at each installation, and the types of military bases recommended for closure or realignment (National Defense, 1997; GAO, 1998b).

report to Congress in April 1998 (BRAC Report, 1998; GAO, 1998b, p. 4; CBO, 1998).<sup>14</sup>

In the 1998 BRAC report, Secretary of Defense Cohen stressed that "the past four rounds of BRAC are already generating substantial savings" (BRAC Report, 1998). The Secretary claimed BRAC savings would total \$14 billion through 2001, and beginning in 2002, projected recurring savings of \$5.6 billion annually (BRAC Report, 1998).<sup>15</sup> Analyses of DoD's findings by CBO and GAO concluded that even though specific estimates by DoD were uncertain and "relatively weak," the BRAC rounds produced substantial savings (CBO, 1996, 1998, p. 8; GAO, 1996a, 1998b, 2002; BRAC Report, 1998).

After analyzing DoD's 1998 BRAC report, CBO claimed DoD's savings estimates were "reasonable," but stressed that DoD's approximations were "based on the same undocumented estimates of personnel reductions that the defense agencies and military departments use in their BRAC budgets (CBO, 1998, p. 3). Moreover, CBO reminded Congress that reductions in personnel costs account for over 80 percent of the estimated BRAC savings, especially important since Congress questioned the validity of DoD's premise that a one-to-one correlation should exist between end-strength reductions and base closings (CBO, 1998; Lockwood, 2002). In short, CBO confirmed that the precise measures for determining BRAC savings "do not—and indeed cannot—exist" (CBO, 1998, p. 2). The Congressional Budget Office explained:

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<sup>14</sup> The 1998 DoD BRAC report contained 1,800 pages of detailed supporting material (Levin, 2001d).

BRAC savings are really avoided costs. Because those avoided costs are not actual expenditures, DoD cannot observe them and record them in its financial records. As a result, DoD can only estimate savings rather than actually measure them (CBO, 1998, p. 7; Lockwood, 2002).

Although in agreement with CBO's and DoD's findings, GAO was more critical of DoD's failure to "capture all savings associated with BRAC actions" (GAO, 1998b, p. 2). GAO reported that "because of data and records weaknesses," BRAC "savings estimates are imprecise and should be viewed as rough approximations" rather than precise accounting (GAO, 1998b, p. 2, 2002, p. 2). Additionally, GAO noted DoD didn't have a separate method or data system to track BRAC savings (GAO, 1998b, 2001b). In fact, GAO reemphasized the Pentagon's need to establish and maintain "a clear and consistent process for updating" BRAC savings estimates DoD wide, especially if the Pentagon wanted to avoid "the subsequent erosion of credibility" (GAO, 1997, 1998b, p. 7, 2002, p. 37; Warren, 1997a). Nonetheless, GAO concurred that although BRAC savings are imprecise, they are substantial (GAO, 1998b, 2002). As a result, GAO, DoD, CBO, and CRS all presented Congress with the consistent message that even with considerable implementation costs, and rough accounting approximations, BRAC produced savings (GAO, 1998b, 2002; BRAC Report, 1998; CBO, 1998; Lockwood, 2001).

In July 2001, GAO asserted that years of analyses consistently confirmed that BRAC savings were substantial, once initial investment costs were recouped (GAO, 1998b,

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<sup>15</sup> Updated projections predict recurring savings of \$6.6 billion annually (GAO, 2002).

2001b). Moreover, GAO outlined the arguments that could be made to show how BRAC savings "could be more or less than reported" (GAO, 2001b, p. 3). Summarizing these arguments, GAO explained that these positions center on whether or not: (1) all federal expenditures attributable to base closures were included; (2) if new military construction would have occurred to accommodate transferring personnel and operations at gaining bases; and (3) if environmental restoration costs attributed to base closures would have occurred (GAO, 2001b). After thorough audit evaluation, GAO asserted, "these factors are not significant enough to outweigh the fact that substantial savings are being generated from the closure process" (GAO, 2001b, p. 10).

Nonetheless, many BRAC opponents still declared, DoD will fail to see significant BRAC savings because environmental cleanup is time-consuming, dynamic, and an extremely expensive process (Taylor, 1997b; Inhofe, 1998; Warren, 1997a; GAO, 1998c). Moreover, communities suffer because they must wait years before they can reuse the base property for economic recovery (Siehl, 1997a; GAO, 1998c, 2002)

#### **E. BASE REUSE AND ENVIRONMENTAL IMPACT**

Community leaders have two priorities during a base closure conversion: replacing the loss of jobs, and sustaining their community's quality of life (Siehl, 1997a). Knowing that their communities view a base closure "as a punishment, not merely a disappointment," Congress sought to reduce any impediments to base re-use/conversion (Arnold, 1979, p. 101; Siehl, 1997a). Additionally, GAO



asserted that redevelopment of base property functioned as a catalyst for economic recovery within the surrounding community (GAO, 1998c, 2002).

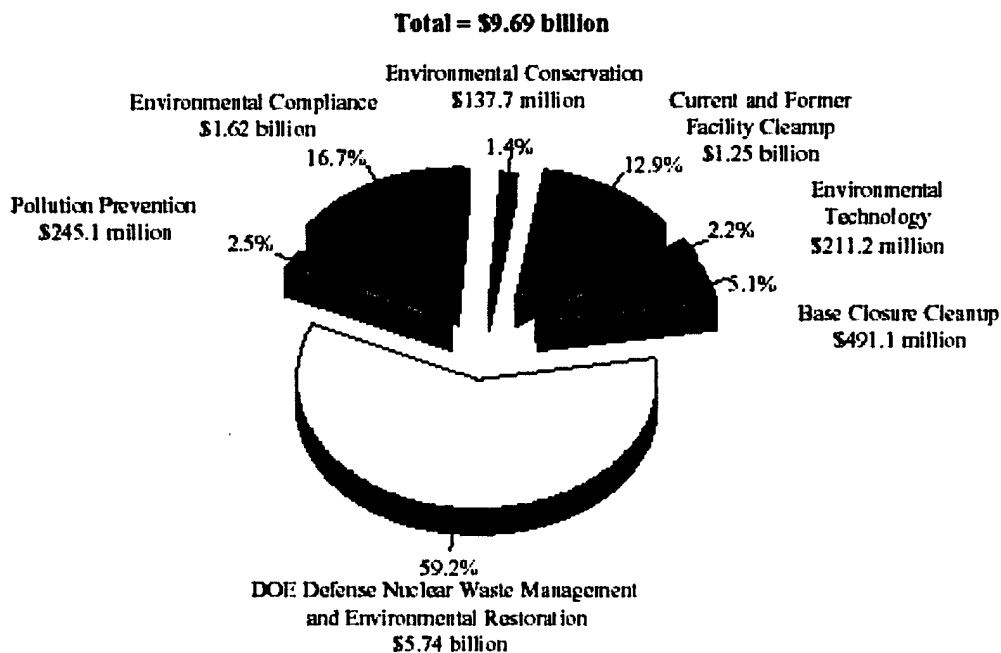
Preparing property for transfer and reuse by the local community and other agencies involved cleaning up environmental contamination resulting from years of military use (GAO, 1998c). The BRAC Commission "found that achieving sufficient environmental cleanup in a timely fashion presents one of the greatest obstacles in the entire reuse process" (BRAC Report, 1995 p. 2-5). The Pentagon also cited environmental cleanup concerns as the primary reason for property transfer delays (GAO, 1998c, 2002).

As a result, the Fast-Track Cleanup program was established in FY1993 to expedite cleanup and help promote the transfer of BRAC property (GAO, 1998c). The main advantage of early transfer authority was that it allowed DOD to make property available to the user as soon as possible, and allowed environmental cleanup to proceed concurrently (GAO, 2002). However, compliance with stringent federal and state environmental cleanup standards remained the leading cause for delaying the base conversion process (GAO, 1998c; Lockwood, 2001).

The Department of Defense manages six environmental programs (Figure 3) (Bearden, 1999). Environmental Compliance, Operational Installations & Formerly Used Defense Sites (FUDS) Cleanup, and Base Closure Cleanup are the most costly (Bearden, 2002). Although BRAC closures are funded through a special account established by the Base Closure and Realignment Act of 1990, DoD assured

Congress that "the vast majority of environmental restoration costs would be incurred whether or not an installation is impacted by BRAC" (Siehl, 1997a; Defense BRAC Act, 1990; BRAC Report, 1998, p. 35). Funding for mandatory cleanup of FUDS and active installations has varied from \$150 million in fiscal year 1984 to a high of \$1.96 billion in fiscal year 1994 (Bearden, 2002). Similarly, funding for BRAC cleanup has varied from \$100 million in fiscal year 1991 to a high of \$860 million in fiscal year 1998 (Bearden, 2002). In 1995, the BRAC Commission concluded that "Clearly, environmental cleanup is very costly" (BRAC Report, 1995, p. 2-5).

Figure 3. FY2002 Spending Requests for Defense Cleanup and Environmental Programs (Bearden, 2002).



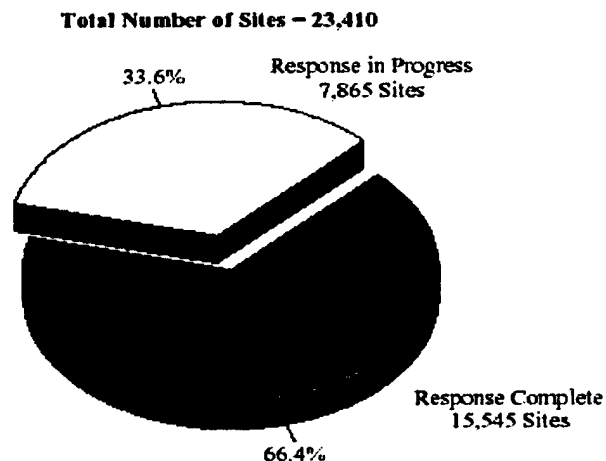
Of the \$23 billion estimated cost for the entire BRAC program through 2001, over \$7 billion, (31 percent) is spent on environmental restoration (GAO, 1998c; 2001c). The major factors contributing to the high cost and delay of cleanup were: (1) the large number of contaminated sites; (2) federal and state regulations; and (3) the intended property reuse (GAO, 1998c; BRAC Report, 1995). CBO explained that the cost and delay of environmental cleanup was due to the extensive environmental contamination of the closed bases, and that several bases known as "Superfund" sites posed such a great "risk to public health and the environment" that they were placed on the National Priorities List (CBO, 1996; Bearden, 2002, p. 3). However, in 2002, GAO declared that "although estimated environmental costs have fluctuated over time...the total expected costs of about \$10.5 billion are still within the range of the projected [cleanup] costs estimated in 1996" (GAO, 2002, p. 3). Two of the most difficult and expensive aspects of environmental cleanup are polluted ground water and unexploded ordnance (CBO, 1996).

Although DOD reported progress in achieving cleanup milestones in 1998, GAO noted that environmental restoration is difficult to predict (GAO, 1998c). In fact, the Air Force estimated it would take decades to remedy the extensive groundwater contamination at a third of its closed bases, with some bases requiring monitoring and actions extending to 2069 (GAO, 1998c). In 1998, GAO warned that unexploded ordnance (UXO) cleanup remained a

major cost not included in DoD's BRAC estimates (GAO, 1998c, p. 50, 2001c; Bearden, 2002).<sup>16</sup>

In 2001, GAO estimated that cleanup of DoD's closed, transferred, and transferring training ranges may be as low as \$14 billion, but could exceed \$100 billion (GAO, 2001a). Consequently, DOD defended its process of excluding environmental costs in its BRAC decision-making model, arguing that the "inclusion of environmental restoration costs in the BRAC analysis might result in an installation being retained because of high cleanup costs [possibly creating] a perverse incentive" to pollute (BRAC Report, 1998, p. 32). Nonetheless, DoD proposed to have "remedy in place" (RIP) or "response complete" (RC) in all of the BRAC installations by the end of fiscal year 2005 (GAO, 1998c; DERP, 2002). This proposal gave DoD a better rationale for convincing Congress to authorize a BRAC round in 2005.

Figure 4. Cleanup Status at Base Closure Sites as of September 30, 2000 (Bearden, 2002).



<sup>16</sup> GAO reports UXO remains a "potentially costly and unresolved problem" with FUDS and BRAC bases (GAO, 1998c, p. 50, 2001c; Bearden, 2002).

With each congressional request, the Pentagon produced clear evidence that DoD possessed excess bases and that BRAC produced savings (BRAC Report, 1995, 1998; QDR, 1997).<sup>17</sup> Moreover, study after study indicated that most communities recover from the economic impact of base closures (GAO, 1998c, 2001c, p. 4; Siehl, 1997a, 1997b; Dardia, 1996; BRAC Report, 1998). The Congressional Research Service, Congressional Budget Office, and the General Accounting Office all confirmed DoD's findings concerning excess base structure and estimated BRAC savings (Lockwood 2002; Siehl, 1997b; CBO, 1998; GAO, 1998, 2001c). However, Congress refused to authorize base closures (Lockwood, 2002). It would take more convincing from a new presidential administration, political compromise, and the crisis of September 11th before Congress would consider another BRAC round (S.1438, 2001).

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<sup>17</sup> The 2001 QDR confirmed DoD's claim of excess base structure (QDR, 2001).

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## V. BRAC 2005

### A. INTRODUCTION

On 28 June 2001, Secretary of Defense Donald Rumsfeld notified the House Armed Services Committee (HASC) that a "rationalization and restructuring of DoD infrastructure was needed" and under DoD's "Efficient Facilities Initiative, a 20-25% reduction in excess military bases and facilities could generate savings of several billion dollars annually" (Rumsfeld, 2001b). Secretary Rumsfeld declared that "one way that Congress could help us [the new Bush Administration] ...is to authorize additional BRAC rounds" (Rumsfeld, 2001a).

In The Politics of Shared Power: Congress and the Executive, Louis Fisher declares, "very few operations of Congress and the Presidency are genuinely independent and autonomous" (Fisher, 1998, p. XI). Fisher maintains "an initiative by one branch sets in motion a series of compensatory actions by the other branch--sometimes of a cooperative nature, sometimes antagonistic" (p. XI). The Bush Administration's Efficient Facilities Initiative (EFI) set in motion a number of congressional actions that ultimately led to approval of a base closure round in 2005 (Else, 2001).

### B. BUSH ADMINISTRATION PROPOSAL

On 28 February 2001, the Bush Administration outlined its budget proposal in "A Blueprint for New Beginnings: A Responsible Budget for America's Priorities" (A Blueprint, 2001). In the "President's Message" to Congress, Mr. Bush

stressed, "New threats to our national security...demand a rethinking of our defense priorities, our force structure, and our military technology" (A Blueprint, 2001, p. 3). President Bush argued that his Administration's "new approach begins the work of restoring our military" to meet the emerging threats of a new century (A Blueprint, 2001, pp. 3, 53). The President informed Congress that the Administration would examine and scrutinize the capabilities and structure of the U.S. armed forces, but emphasized that several DoD reforms were immediately needed (A Blueprint, 2001, pp. 53, 101). Stating that "DOD wastes money on infrastructure it does not need," the report declared "it is clear that new rounds of base closures will be necessary to shape the military more efficiently" (Blueprint, 2001, p. 101).

The DoD's Efficient Facilities Initiative (EFI) outlined the Bush Administration's plan to reshape the military and "transform its facilities to meet the challenges of the new century" (EFI, 2001a, 2001b p. 12; Blueprint, 2001, p. 101; QDR, 2001). EFI (DoD's new name for BRAC) called for improving and amending the Defense Base Closure and Realignment Act of 1990 to authorize a single round of base closures and realignments in 2003 (DuBois, 2001; EFI, 2001a). Secretary Rumsfeld declared that "after a great deal of consultation on the Hill, ...a single round would be better than two or three or [even] five" (Rumsfeld, 2001d). Echoing Congressman Hansen's often repeated BRAC analogy, Secretary Rumsfeld stated that conducting more than a single base closure round, is "akin to cutting a dog's tail off one inch at a time hoping it doesn't hurt so much" (Rumsfeld, 2001d; Hansen, 1998a,



1998b). The Defense Secretary added, "we're going to do it once, [and] we're going to try to do it right" (Rumsfeld, 2001d). "To do it right," and using an "ongoing DoD consultation process," the Pentagon drafted an EFI legislative proposal for Congress (EFI, 2001a, p. 1, 2001b).

The EFI legislative proposal possessed three major components: 1) Authorization of a single round of base closure in 2003 using existing BRAC law as the framework; 2) improving the base closure process; and 3) incorporating local communities into the BRAC process such as the partnership at Brooks Air Force Base in San Antonio, Texas where DoD conveyed the base to San Antonio and then leased back portions of the installation to maintain its mission (EFI, 2001a, 2001b; DuBois, 2001).

The Pentagon's legislative proposal to Congress suggested using the previous BRAC process as the framework for closing and realigning bases in 2003 (EFI, 2001b; DuBois, 2001). In the EFI process, DoD presented a worldwide, comprehensively evaluated infrastructure plan that would demonstrate "military value" to an independent EFI Commission by March 14, 2003 (EFI, 2001a, 2001b). The EFI Commission will review DoD's infrastructure plan, and with authority to change DoD's recommendations, send its "own recommendations" to the President by July 7, 2003 (Aldridge 2001; EFI, 2001a, 2001b). The President has two weeks to accept the Commission's recommendations in their entirety ("all or none") and forward the list to Congress (EFI, 2001a). If the President chooses to reject the list, he can require the EFI Commission to present a revised list

by August 18, 2003 (EFI, 2001a). The President also has the option of terminating the base closing process by rejecting the list a second time (EFI, 2001a). If the President accepts the recommendations, he then forwards the list to Congress by September 3, 2003 (EFI, 2001a). Like the 1990 BRAC law, the EFI proposal requires Congress to either accept the list in its entirety, or pass a Joint Resolution rejecting the Commission's recommendations in their entirety (EFI, 2001a; Defense BRAC Act, 1990).

The Pentagon sought to validate EFI as a comprehensive review of the number and type of bases needed for "the U.S. military to match facilities to forces" in a newly defined national military strategy (Towell, 2001b; Aldridge, 2001; EFI, 2001a, 2001b; Rumsfeld, 2001c; QDR, 2001, p. 55). Stressing "military value" as the "principal consideration in the selection of facilities to be closed or realigned," the EFI proposal stated, "all military installations will be reviewed" (EFI, 2001b, pp. 3-4; EFI, 2001a, p. 2). In essence, EFI proposed the infrastructure evaluation of all U.S. military bases in relation to the availability of DoD installations worldwide (EFI, 2001a, 2001b).

To ensure a comprehensive evaluation, the EFI process incorporated a "Review of Overseas Basing Requirements" in addition to the QDR of 2001 (EFI, 2001a, 2001b; Rumsfeld, 2001c). Additionally, Secretary Rumsfeld, suggesting that the 2001 QDR could change "overseas basing arrangements," directed all geographic combatant commanders to submit their overseas basing plans six months after the QDR (Rumsfeld, 2001c; Aldridge, 2001).

Outlining differences between EFI and BRAC, the Pentagon also attempted to dissociate EFI from the estimated cost savings of prior BRAC rounds. Responding to potential criticism that BRAC does not save money, Under Secretary of Defense Pete Aldridge claimed that the EFI effort "is really not a cost-savings effort. It is focused on the proper infrastructure for supporting our military forces" (Aldridge, 2001). However, Mr. Aldridge added that the EFI round could eventually result in cost savings of \$7 billion annually, \$1 billion more than the \$6 billion annual savings from all previous BRAC rounds (Aldridge, 2001; McCain, 2001b; BRAC Report, 1998).<sup>18</sup> In essence, DoD claimed the "military necessity" of matching force structure to infrastructure was the real value behind EFI (Dubois, 2001; Aldridge, 2001; EFI, 2001b).

The Pentagon proposed other factors to examine during the base closure process (EFI, 2001a; Aldridge, 2001). The Pentagon claimed EFI should consider consolidating military operations, combining research laboratories and test ranges, collocating government agencies, eliminating excess leased spaces, and realigning wartime basing requirements (EFI, 2001a; Aldridge, 2001). EFI legislation also proposed reimbursement of Commissary surcharge and non-appropriated Morale, Welfare, and Recreation (MWR) funds lost due to a base closure (EFI, 2001b). The EFI proposed privatization-in-place, but only if it was determined to be cost-effective and specifically authorized by the EFI Commission (EFI, 2001a, 2001b). The number of EFI commissioners was increased from eight to nine to eliminate

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<sup>18</sup> Additional testimony claimed EFI could "save an estimated \$3.5 billion annually" (QDR, 2001, p. 56; Rumsfeld, 2001a; EFI, 2001a).

the possibility of a tied vote (EFI, 2001a). The EFI legislation also proposed giving local communities a significant role in determining the future of a closed base, expediting environmental restoration while reducing cleanup costs, and reauthorizing early no-cost transfer to a redevelopment authority to stimulate the surrounding economy (EFI, 2001a). Repeating the congressionally mandated 2001 Quadrennial Defense Review's findings, Under Secretary Aldridge declared "EFI will encourage a cooperative effort between the President, the Congress, and the military and local communities to achieve the most effective and efficient base structure for America's Armed Forces" (QDR, 2001, p. 55; Aldridge, 2001). The newly appointed Chairman of the Senate Armed Services Committee (SASC), Carl Levin, also encouraged cooperation in restructuring DoD's base structure (Dewar, 2001; Ricks, 2001; S.397, 2001).

### **C. SENATE ACTION**

In May 2001, Senator James Jeffords officially announced his decision to leave the Republican Party (A. Taylor, 2001). His decision transferred control of the Senate to the Democratic Party, which led to stark "differences in chairmanship leadership" (Dewar, 2001). Although there would be "repercussions down the line" for the Republican Administration, it increased DoD's chances for obtaining base closure authorization when Senator Carl Levin became the Chairman of the SASC (Dewar, 2001; Ricks, 2001; McCain, 2001c; Levin 2001d).

Beginning in 1997, Senator Carl Levin and Senator John McCain attempted to persuade Congress to pass legislation giving DoD authority to close excess bases (S.AMDT.705, 1997; S.258, 1999; S.AMDT.393, 1999; S.AMDT.3197, 2000; McCain, 2001c; Levin, 2001d). However, on 22 February 2001, Mr. McCain and Mr. Levin introduced S.397, a bill to amend the Defense Base Closure and Realignment Act of 1990 to authorize additional base closure rounds in 2003 and 2005 (S.397, 2001; Levin, 2001a; McCain, 2001a). Calling for BRAC rounds in 2003 and 2005, the legislation proposed following "the same procedures that were used in 1991, 1993 and 1995, with two notable exceptions" (Levin, 2001a; S.397, 2001).

Mr. Levin stated that the BRAC Commission process would start and finish two months later in the fiscal year than in previous BRAC rounds (Levin, 2001a). Secondly, under S.397, "privatization-in-place would not be permitted at closing installations unless the Base Closure Commission expressly recommends it" (Levin, 2001a; S.397, 2001).<sup>19</sup> The legislation also directed the Secretary of Defense to consider local government views in the preparation of the base closure list (McCain, 2001a).

Mr. Levin stressed that the McCain-Levin bill retained the five key elements of the base closure process that GAO asserted "contributed to the success of prior rounds" (Levin, 2001a; GAO, 1998b, p. 13). The five elements were: (1) an independent commission; (2) clearly articulated, published criteria; (3) certified and accurate data; (4) adherence to mandated time lines; and (5) presidential and

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<sup>19</sup> DoD's proposed EFI legislation incorporated the same time lines and privatization-in-place provision (EFI, 2001b).

congressional acceptance or rejection of the BRAC list in its entirety (GAO, 1998b, p. 13). Mr. Levin urged his "colleagues to support this legislation," adding that S.397 only authorizes, not requires DoD to close or realign its unneeded infrastructure (Levin, 2001a). As Chairman of the SASC, Mr. Levin was in a powerful position to propose to Congress the need for base closure authorization (Arnold, 1979; Ricks, 2001; Dewar, 2001).

On May 24, 2001, Senator Levin, Senator Warner, and Secretary Rumsfeld held a press conference following a meeting concerning future defense issues (Levin, 2001b). During the press conference, Senator Levin reemphasized DoD's need to save money on unneeded infrastructure so savings could be refocused on emerging "terrorist threats" (Levin, 2001b). Mr. Levin also proclaimed he was "more optimistic" that base closing legislation would pass in 2001 for a number of reasons (Levin, 2001b).<sup>20</sup> The SASC Chairman stressed that the Bush Administration already "indicated that it will support another round or two of base closings" (Levin, 2001b).

Additionally, Mr. Levin felt that the argument that "Clinton allegedly politicized" the BRAC process was no longer valid "now that there is a new [Republican] President, and now that that President supports one or two rounds of base closures" (Levin, 2001b). The Democratic Senator further suggested that "with the Bush

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<sup>20</sup> Mr. Levin later retracted his optimism after Assistant Secretary of Defense Dubois publicly speculated bases in Norfolk Va. were likely closure candidates (Loeb, 2001; Lott, 2001a).

Administration's strong support there will be a number of additional Republicans who will now support base closures" (Levin, 2001b).

Republican Senator Warner agreed, and stated that because "the President in the budget submission indicated his desire for a base closure," he "would support the legislation forthcoming" (Warner, 2001a, 2001b). However, Mr. Warner publicly disagreed with Mr. Levin on the issue of the number of base closure rounds (Warner, 2001a).

Senator Warner argued that more than a single round is too much of an expense and burden for affected communities to bear (Warner, 2001a, 2001b). Warner added, "I think we [should] do it one time, and I think we [should] do it thoroughly and as big as we feel in the Congress and the President [thinks] it is necessary, and put it behind us" (Warner, 2001a). Immediately Mr. Levin publicly replied, I "accept one round if that's the best we can get" (Levin, 2001b; Warner, 2001b). Although it appeared Mr. Levin and Mr. Warner may have come to a prompt compromise, the rest of the U.S. Senate would not be so quick to agree.

On June 10, 2001, while chairing the Senate Armed Services Committee, Senator Levin asked each Service Secretary and Service Chief, to respond directly to the following question:

Do you agree with the President and Secretary Rumsfeld that we have unneeded bases and that we should have another round of base closures to eliminate the excess infrastructure...to free up resources for modernization or for other higher priorities (Levin, 2001c)?

Responding in the affirmative, the replies of the Service Secretaries and Service Chiefs ranged from "a BRAC would help," "yes," and "absolutely yes," (White, 2001; Jones, 2001; Ryan, 2001; Roche, 2001; Clark, 2001; England, 2001; Shinseki, 2001).

However, 47 Senators weren't convinced DoD needed another base closure round (S.AMDT.1622, 2001). Most Senators cited DoD's inability to provide "consistent and detailed [BRAC] savings" as their reason for opposing another BRAC round (Baucus, 2001; Bunning, 2001a, 2001b, 2001c; Collins, 2001; Dorgan, 2001; Hatch, 2001; Hutchison, 2001; Snowe, 2001a; Stevens, 2001; Lott, 2001a). Senator Lott, the Republican minority leader, stated that BRAC "savings are of a very dubious nature" (Lott, 2001a). Additionally, Senators Baucus and Stevens raised concerns that the vast majority of savings came from personnel reductions during the Cold War drawdown, not base closures (Baucus, 2001; Stevens, 2001; CBO, 1998). BRAC opponents also argued that the war on terrorism could require an increase in military personnel, and a subsequent need for facilities formerly considered excess (Baucus, 2001; Stevens, 2001; Snowe, 2001a).

Declaring DoD was putting the "cart before the horse," many BRAC opponents "strongly believe[d] that the events of September 11th changed this Nation's priorities," and DoD should complete a new defense strategy review before Congress authorizes a base closure round (Nelson, 2001; Lott, 2001a, 2001b; Snowe, 2001a, 2001b; Baucus, 2001; Bingaman, 2001; Bunning, 2001b; Collins, 2001; Dorgan, 2001; Hatch, 2001; Inhofe, 2001). Citing the softening



economy since September 11th, BRAC opponents suggested postponing base closures (Dorgan, 2001; Snowe, 2001a; Lott, 2001a; Baucus, 2001). In fact, Senators Lott and Bunning recommended eliminating the BRAC process altogether, suggesting that DoD close its bases "on a gradual basis," especially when DoD was "going to blow the budget out of the water just to take care of future needs 20 years down the pike" (Bunning, 2001a; Lott, 2001a).

Likewise, Senator Cleland claimed there were a "number of things the military can do to streamline its infrastructure, without closing bases wholesale here in the United States" (Cleland, 2001). Mr. Cleland reasserted his long held belief that DoD should close a significant number of bases in both Korea and Europe instead (Cleland, 1997, 2001). Mr. Lott concurred (Lott, 2001a). Quite simply, many in the Senate felt that this was not "the time to cut bases and to reduce our military infrastructure;" Congress should "postpone" considering any base closures until after 2003, and only after DoD analyzed "how to fight the first war of the 21st century" (Bunning, 2001b; Inhofe, 2001; S.AMDT.1622, 2001).

In rebuttal, both the Chairman, and ranking minority member of the SASC reiterated that for years the President and DoD have "pleaded with us [Congress] to allow them to get rid of excess structure" (Levin, 2001d; Warner, 2001c). Mr. Levin agreed that September 11th changed the nation's priorities but disagreed with the view that "now is not the time" to authorize DoD to begin the BRAC process (Baucus, 2001; Collins, 2001; Hatch, 2001; Lott, 2001a; Levin, 2001d). Confirming DoD's continued desire to reduce excess

infrastructure after September 11th, the SASC Chairman read a letter, dated 21 September 2001, from Secretary Rumsfeld:

I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished (Levin, 2001d; Warner, 2001c).<sup>21</sup>

Regarding cost savings, many BRAC supporters argued that "GAO report after GAO report" confirms that BRAC produces billions in savings each year; Senator McCain simply stated, "the more bases you have, the more you have to spend. We know that" (Levin, 2001d; McCain, 2001c; Warner, 2001c; Reed, 2001). Finally, proponents stressed that the FY2002 Defense Authorization bill did "not mandate the establishment of a base realignment commission," it only authorized DoD to begin the BRAC process, (Carper, 2001; Warner, 2001c; Levin, 2001d; McCain, 2001c). Authorization for DoD to conduct a BRAC round in 2003 passed the U.S. Senate by a margin of six votes (S.AMDT.1622, 2001).<sup>22</sup>

The U.S. Senate version of the Defense Authorization bill for FY2002, (S.1416) later changed to S.1438, amended the Defense Base Closure and Realignment Act of 1990 to authorize a single base closure round in 2003 (S.1416, 2001; S.1438, 2001). Although authorizing the same procedures used in previous BRAC rounds, the bill contained

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<sup>21</sup> Senator Warner requested that Mr. Rumsfeld submit the letter verifying the continued need for a BRAC round after the events of September 11<sup>th</sup> (Warner, 2001c).

<sup>22</sup> S.AMDT.1622, (Bunning Amendment) sought to strike the BRAC provision from the FY2002 Defense Authorization Act; the amendment vote was 53 to 47 (S.AMDT.1622, 2001; S.1416, 2001; S.1438, 2001).

many, but not all, of DoD's EFI proposals (S.1438, 2001; EFI, 2001b).<sup>23</sup> The Bill directed DoD to conduct a worldwide, comprehensive evaluation, and stipulated "that military value [serve as]...the primary consideration in the making of recommendations for the closure or realignment of military installations" (S.1438, 2001; EFI, 2001b, p. 4). Following EFI's timelines, the bill rescheduled the process to begin later in the fiscal year and set the number of BRAC commissioners to nine (S.1438, 2001; EFI, 2001b). The bill included a provision to consider local government views, but curiously excluded legislation addressing the issue of privatization-in-place (S.1438, 2001; EFI, 2001b). However, because the House Armed Services Committee (HASC) decided to exclude any base closure legislation in their Defense Authorization bill, the Senate carried the hotly contested proposal to conference committee (Loeb, 2001; H.R. 2586, 2001; S.AMDT.1622, 2001; Johnson, 2000).

#### D. HOUSE ACTION

On 28 June 2001, the House Armed Services Committee, chaired by Republican Congressman Bob Stump, held its hearing on the Bush Administration's FY2002 defense budget (Stump, 2001a). Secretary Rumsfeld reported in his opening remarks that DoD currently possesses 23 percent excess base structure, and if Congress authorized an additional BRAC round, DoD "could potentially save an estimated \$3 billion

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<sup>23</sup> Senator Snowe argued, "review of the last [BRAC] process reveals that these [EFI] criteria are nearly identical to those used in the 1995 [politicized] round" (Snowe, 2001a).

per year" (Rumsfeld, 2001a). Mr. Rumsfeld asked if "Congress could help" (Rumsfeld, 2001a).

Replies from the Republican-controlled House of Representatives revealed "serious concern about going through the same [base closure] routine" (Hefley, 2001; Snyder, 2001a, 2001b; Hunter, 2001; Spence, 2001; Towell, 2001a; H.R.4897, 2002; H.R.1198, 2003; H.R.1638, 2003). BRAC opponents raised the problem of privatization-in-place, and strongly believed "any future commission cannot have the power to reverse" the base closure decisions of the Secretary of Defense (McHugh, 2000; Hostettler, 2001; Costa, 2002; Towell, 2001a). Although acknowledging that Congress has "a different situation," now that President Clinton is no longer in office, the HASC still informed Secretary Rumsfeld that "there's some more convincing to be done" (Hefley, 2001; Spence, 2001).

Most declared that Congress shouldn't consider a BRAC round until DOD adequately evaluates and defines its military strategy for the war on terrorism (H. Wilson, 2001; Shows, 2001; Bentsen, 2001; Brown, 2001; Pomeroy, 2001; Forbes, 2001; Ortiz, 2001). Members also voiced unease that once a base is closed it can't be reconstituted "should there be another national crisis" (Spence, 2001; G. Taylor, 2001; Hunter, 2001). DoD's current environmental processing of over 100 closures and realignments from previous BRAC rounds was also cited as reason for delaying base closures (Pomeroy, 2001; Pruett, 2001; Budget

Estimates, 2002).<sup>24</sup> Members simply declared, "now is not the time" (H. Wilson, 2001; Bentsen, 2001; Brown, 2001).

BRAC opponents admitted DoD may "have excess inventory in certain areas" but doubted "if there was, in fact, savings" from base closures (Abercrombie, 2001; Taylor, 2001; Brown, 2001; Forbes, 2001; Hostettler, 2001; Underwood, 2001). In fact, members declared, BRAC savings "are illusory" and "there is no evidence that money has been saved during the last round of base closure" (H. Wilson, 2001; Baldacci, 2001; Pomeroy, 2001). Concerns about the Moral Welfare and Recreation (MWR) capital assets lost in the base closure process were also addressed (Bartlett, 2001; Ortiz, 2000).

Several members suggested that DoD create a BRAC exclusion list early in the base closure process so that communities could be taken off the BRAC "anxiety list" (Hefley, 2001; Snyder, 2001b; Costa, 2002; Towell, 2001a; McHugh, 2000). In fact, Mr. Snyder proposed legislation that directed DoD to develop a [core] list of at least 50 percent of DoD's "military installations to be excluded from the base closure and realignment process" (Snyder, 2001b; H.R.1820, 2001).

Although Mr. Snyder's "Military Infrastructure Transformation Act of 2001" proposed authorizing a base closure round in 2003, the U.S. House didn't "really have the stomach for a BRAC right now" (H.R.1820, 2001; Schrock, 2001).<sup>25</sup> The HASC decided to exclude base closure

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<sup>24</sup> As of 30 September 2001, DoD has transferred 42 percent of its 518,500 acres of unneeded base property; environmental cleanup remains the primary impediment (GAO, 2002).

<sup>25</sup> H.R.1820, the Military Infrastructure Transformation Act of 2001, had one co-sponsor (H.R.1820, 2001).

authorization from their FY2002 Defense Authorization bill, and the week before the Senate started its floor debate concerning BRAC authorization, Mr. Snyder withdrew his BRAC amendment from the HASC bill (Bunning, 2001b; Snyder, 2001c; H.R. 2586, 2001; S.AMDT.1622, 2001). Any improvements to the BRAC process by the U.S. House of Representatives would have to be ironed out in conference (Johnson, 2000).

#### **E. CONFERENCE AGREEMENT**

In Congress, the President, and Public Policy, Michael Mezey observes that "more often than not, the President and the Congress find themselves in a stalemate about what should be done" (Mezey, 1989, p. xiii). Mezey claims that "one way to force action is to create a crisis" so that the President and Congress will "be encouraged to suspend their hostilities and come to an agreement" (Mezey, 1989, p. 147). Clearly, the events of September 11th provided the crisis to encourage the Congress and the new Bush Administration to agree to a base closure round in 2005.

The base closure provision in the FY2002 Defense Authorization bill caused weeks of intense bitter struggle between the Senate and the House, delaying approval of the Defense Act until Dec. 13, 2001 (S.1438, 2001; Stump, 2001c; Sia, 2003).<sup>26</sup> Many doubted the base closing provision could survive the final version of the compromise bill debated behind closed doors (G. Wilson, 2001). In fact, House members stated they "couldn't touch" the base

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<sup>26</sup> Congressional oversight concerning the deployment of a national missile defense also delayed the reporting of the compromise bill (G. Wilson, 2001).

closure issue because the House considered base closures to be off the table in conference (Hebert, 2001).

However, despite "the strong reservation of many House Members," the HASC leadership yielded on the base closure provision after President Bush threatened to veto the Defense Authorization bill (Stump, 2001c; Pomeroy, 2001; Towell, 2003). Senators Warner and Levin commended HASC Chairman Stump and ranking member Ike Skelton for their tremendous "courage" in accepting the base closure provision even though "scarcely a voice" supported base closures in the House ("Conferees," 2001). Congress accepted the conference agreement on the FY2002 Defense Authorization Act on 13 December 2001 (S.1438, 2001).

The FY2002 Defense Authorization Act authorized DoD to conduct a single base realignment and closure round in 2005 vice 2003 (S.1438, 2001; U.S. Code, 2002). Although Senator Warner declared he would have preferred a base closure round in 2003, the two-year delay allowed the U.S. economy time to recover, gave DoD time to define its military strategy and minimized the effect on long-term defense budgets (Hebert, 2001; Stump, 2001b). Additionally, the conferees revised the base closure procedures "to create a fair and objective process that places national security as the principal objective, [and] closes loopholes" in the base closure process (Stump, 2001b).

The conference legislation incorporated the five key elements of the previous BRAC process as the framework for closing and realigning bases in 2005 (S.1438, 2001; GAO, 1998b). In the newly outlined process, the Pentagon is to

conduct a "comprehensive inventory of military installations world-wide for each military department," and prepare a 20-year force-structure plan based on probable threats to national security beginning in fiscal year 2005 (S.1438, 2001).<sup>27</sup> After determining closures are "necessary and justified" the Pentagon must also certify that "recommendations for base closures will result in annual net savings by 2011" (Stump, 2001b).<sup>28</sup>

Next, using "military value" as the primary selection criteria DoD will present a list of recommendations to an independent Commission by May 16, 2005 (S.1438, 2001; U.S. Code, 2002).<sup>29</sup> DoD must also consider among its selection criteria: (1) "the extent and timing of potential costs and savings;" (2) "the economic impact on existing communities;" (3) "local government views;" (4) "the impact of costs related to potential environmental restoration;" and (5) efficiencies gained from joint basing (S.1438, 2001; U.S. Code, 2002).<sup>30</sup>

The 2001 legislation authorized privatization-in-place, but only if it was determined to be cost-effective and specifically authorized by the Commission (S.1438, 2001). Additionally, it authorized DoD to recommend that an installation be placed in an inactive caretaker status

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<sup>27</sup> On 15 November 2002, Secretary Rumsfeld established the Infrastructure Executive Council (IEC) as the oversight body for the entire BRAC 2005 process (Rumsfeld, 2002).

<sup>28</sup> The Defense Act does not specify the desired amount of annual savings (S.1438, 2001).

<sup>29</sup> Previous 1990 BRAC law directed DoD to establish three categories of selection criteria, "Military Value," "Return on Investment," and "Community Impacts" (GAO, 1997, p. 54).

<sup>30</sup> In his 15 November 2002 memorandum, Secretary Rumsfeld directed that examining and implementing "opportunities for greater joint activity" is a "primary objective in the BRAC 2005 process" (Rumsfeld, 2002).



if the base could be needed for future reconstitution (S.1438, 2001; Stump, 2001b). The legislation also stipulated the reimbursement of Commissary surcharge and non-appropriated MWR funds lost during a base closure (S.1438, 2001).

The 2001 legislation allows the President, with congressional consultation, to appoint a nine member Commission to convene in March 2005 (Stump, 2001b; S.1438, 2001). The Commission, upon receipt of DoD's closure recommendations, reviews the list and with authority to change DoD's recommendations, sends its own recommendations to the President by September 8, 2005 (S.1438, 2001; U.S. Code, 2002). However, the Commission can add a base only if DoD "deviated substantially from the force-structure plan" and if the "consideration is supported by at least seven members of the Commission" (S.1438, 2001; U.S. Code, 2002).<sup>31</sup> The Commission can delete a base from the list by a simple majority vote (Stump, 2001b). The Commission must also inform the Secretary of Defense of any proposed changes to DoD's recommendations (S.1438, 2001).

The President has two weeks to accept the Commission's recommendations in their entirety ("all or none") and forward the list to Congress (S.1438, 2001; U.S. code, 2002). If the President chooses to reject the list, he can require the Commission to present a revised list by October 20, 2005 (S.1438, 2001; U.S. Code, 2002). The President has the option of terminating the base closing process by

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<sup>31</sup> In 2002, Congress required the Commission to conduct a site visit by at least two commissioners before it could add a base; the House attempted to require the unanimous consent of all nine members as well; however, the Senate only agreed to the site visit provision (H.R.4546, 2002).

rejecting the list a second time (S.1438, 2001; U.S. Code, 2002). If the President accepts the initial recommendations, he then forwards the list to Congress by September 23, 2005 (S.1438, 2001).<sup>32</sup> Congress will then have 45 days to either accept the list all or nothing, or pass a Joint Resolution rejecting the Commission's recommendations in their entirety (S.1438, 2001; U.S. Code, 2002).

On 28 December 2001, President Bush, after citing his regret that EFI was delayed until 2005, signed the FY2002 Defense Authorization Act (Bush, 2001; S.1438, 2001; U.S. Code, 2002).<sup>33</sup> When House Majority Leader Dick Armey was asked if the 1990 BRAC law he helped create needed changing, he responded, "the [1990 BRAC] legislation was designed to protect the process from political decision-making" (McCutcheon, 2002).<sup>34</sup> He added, "I'm not going to dismiss any changes out of hand, but I'd be very wary" (McCutcheon, 2002).<sup>35</sup>

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<sup>32</sup> If the President accepts the Commission's revised set of recommendations, he forwards the list to Congress by November 7, 2005 (S.1438, 2001).

<sup>33</sup> On 9 May 2003, the HASC Subcommittee on Readiness agreed to repeal DoD's authorization to conduct a base closure round in 2005; the BRAC repeal did not survive the full HASC markup of the Defense Authorization bill (Peterson, 2003).

<sup>34</sup> On 14 May 2003, the HASC approved language requiring DoD "to name at least half of the nation's installations as essential to national defense," and to prohibit the BRAC Commission from considering this list of essential installations for closure or realignment (Hunter, 2003).

<sup>35</sup> On 22 May 2003, the U.S. House approved the FY2004 Defense Authorization bill directing DoD to create a core list of installations that will not be considered for closure (H.R.1588, 2003). The bill also requires the unanimous consent of the Commission before adding a base to the BRAC list (H.R.1588, 2003).

## VI. CONCLUSIONS AND RECOMMENDATIONS

### A. SUMMARY

In 1988 Congress created the Base Realignment and Closure (BRAC) process to reduce the parochial politics of base closings (Sorenson, 1998). Suspicious of the 1988 special commission chartered by the Defense Secretary, Congress created an independent base closing commission in 1990 to conduct three authorized BRAC rounds in 1991, 1993, and 1995 (GAO, 2002). By 1996, with the expiration of the 1990 BRAC legislation, the Department of Defense's (DOD) authority to close or realign bases reverted to the highly restrictive 1977 BRAC law (GAO, 1997; Hadwiger, 1993).

In 1997, the Secretary of Defense asked Congress to authorize two more BRAC rounds (Lockwood, 2002). However, congressional resentment over President Clinton's involvement with the 1995 BRAC round persisted until the end of his second term and this intervention was repeatedly cited as the primary reason for congressional opposition to another BRAC round (Lockwood, 2002).

On December 13, 2001, the 107th Congress finally approved an additional BRAC round, to be conducted in 2005. This policy decision was preceded by years of political dispute and dialogue between Congress and the executive branch. Much of this debate centered on the Clinton Administration's privatization-in-place of two bases scheduled for closure by the 1995 BRAC Commission and the dispute over estimated BRAC costs and savings. After painstaking compromise and a national security crisis, reformed BRAC legislation was passed, balancing political

leadership and national strategy with job loss and disruption to local communities. In short, the maxim that "all politics is local" is as applicable to military base closures as it is to elected officials who must continually balance national issues with district concerns (O'Neill, 1994).

## **B. CONCLUSIONS**

### **1. Primary Research Question**

This research identifies seven significant explanatory variables involved in the decision of the 107th Congress to amend the Defense Base Closure and Realignment Act of 1990 and authorize a single BRAC round in 2005. Congress authorized a BRAC round after: (1) DoD provided convincing evidence it possessed excess infrastructure and that BRAC produced savings despite significant closing and environmental remediation costs; (2) a new administration confirmed the need for base closings; (3) Congress determined that the national economy couldn't accept both increased spending on deteriorating infrastructure and the war on terrorism; (4) BRAC studies confirmed that most communities rebound economically after a base closure; (5) senior legislative leadership agreed that the timing for another BRAC round was possible; (6) Congress improved the BRAC law to reduce the parochial politics of base closings; and (7) Congress delayed BRAC as part of a political compromise to allow elected officials to vote for a policy that can cause them to lose their jobs.<sup>36</sup>

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<sup>36</sup> Representatives who served fewer than two terms were voted out of office in the 1996 House election if a base closing occurred in their district; there were several freshmen on the HASC in 2001 (Rocca, 2001).

Another method of describing why Congress authorized a BRAC 2005 is to view the explanatory variables as parts of a balanced equation:

$$\text{BRAC 2005} = \text{Convincing} + \text{Cost} + \text{Crisis} + \text{Compromise}$$

Very simply, Congress authorized a BRAC round when: (1) DoD provided **convincing** evidence that it possessed excess infrastructure; (2) **cost** to maintain DoD's excess infrastructure while also waging the war on terrorism exceeded available budgetary resources; (3) the **crisis** of September 11th provided the heightened awareness needed to force action and break the stalemate between the Executive and Congress; and (4) **compromise** in government decision-making was achieved between agencies with varying influence (Allison, 1999).

The DoD provided **convincing** evidence that it possessed excess infrastructure as early as 1995 and certainly by 2001. The congressionally mandated Quadrennial Defense Reviews (QDR) of 1997 and 2001 proved that DoD possessed too many bases, by at least 20 percent (BRAC Report, 1995; QDR, 1997, 2001). The Congressional Research Service (CRS), Congressional Budget Office, (CBO) and the General Accounting Office (GAO) all confirmed DoD's findings concerning excess infrastructure (Lockwood 2002; Siehl, 1997b; CBO, 1998; GAO, 1998c, 2002). Congress eventually accepted the veracity of DoD's claims.

Additionally, Congress acknowledged that the defense budget couldn't support the **cost** of funding deteriorating infrastructure while also fighting the war on terrorism. When the **crisis** of September 11th indicated a heightened awareness for increased defense spending, and when DoD,

CRS, CBO, and GAO convincingly argued that BRAC produced substantial savings, Congress accepted BRAC as a responsible way of providing offset funding (BRAC Report, 1998; Lockwood, 2001; CBO, 1998; GAO, 1998b, 1998c, 2002).

Finally, *compromise* in government decision-making was achieved between government agencies with varying influence (Allison, 1999). The President, DoD, the Senate Armed Services Committee (SASC), the House Armed Services Committee (HASC), and Congress as a whole, compromised to achieve a policy decision that reduced infrastructure, increased defense spending and improved the BRAC process (S.1438, 2001).

## **2. Subsidiary Research Questions**

### **a. *What is the Organizational Framework of the Base Closing Process?***

Six key elements encompass the base closing process: (1) a comprehensive inventory of military installations world-wide to determine if closures are necessary based on probable threats to national security; (2) an independent commission; (3) clearly articulated, published criteria; (4) certified and accurate data; (5) mandated time lines; and (6) presidential and congressional acceptance or rejection of the BRAC list in its entirety (GAO, 1998b; S.1438, 2001).

**b. What are the Important Differences in the Base Closing Laws of 1977, 1988, 1990, and 2001?**

**1. The 1977 law:**

Mandating extensive legal regulations, the 1977 law prevented DoD from closing any major military installation from 1977 to 1990 (Siehl, 1997b; CBO, 1996).

**2. The 1988 BRAC law:**

Although it allowed DoD to close excess bases by creating an independent, twelve-member Commission appointed by the Secretary of Defense, the 1988 BRAC law failed to alleviate the potential for parochial politics.

**3. The 1990 BRAC law:**

Mandating the establishment of three (non-election year) presidentially-appointed Commissions, the 1990 BRAC law proved highly successful until compromised by the policy decision to conduct privatization-in-place during the 1995 BRAC round.

**4. The 2001 BRAC law:**

The 2001 BRAC legislation: (1) clarified the privatization-in-place policy; (2) directed a worldwide comprehensive inventory of military installations; (3) required that base closures result in annual net savings by 2011; (4) authorized bases to be placed in an inactive status; (5) rescheduled the BRAC process to begin later in the fiscal year; (6) established a one-time, nine-member BRAC Commission two election terms in advance; and (7) limited the Commission's ability to add bases to the closure list (S.1438, 2001).

**c. What were the Important Policy Issues Surrounding Base Closure from the 1960s until 2001?**

The important policy issues surrounding base closure from the 1960s until 2001 were: (1) the presidential use of base closure for political reprisal; (2) congressional prohibition of base closure despite annual DoD requests; (3) DoD's overseas bases; (4) the 1995 BRAC round controversy surrounding privatization-in-place; (5) questionable BRAC savings; (6) the significant closing and environmental remediation costs; (7) the authority of BRAC Commissions to alter DoD's recommendations; (8) disruption and job loss to local communities; and (9) the argument that DoD should create a BRAC exclusion list.<sup>37</sup>

**d. How Did the FY2002 Defense Authorization Act Resolve the Issues Surrounding Base Closure from the 1960s until 2001?**

The FY2002 Defense Authorization Act resolved the issues surrounding base closure from the 1960s until 2001 by: (1) the establishment of a one-time, nine-member BRAC Commission with rescheduled timelines; (2) directing a 20-year force-structure plan based on probable threats to national security; (3) directing a comprehensive inventory of military installations world-wide; (4) authorizing privatization-in-place, but only if it was determined to be cost-effective and specifically authorized by the Commission; (5) requiring that base closures result in annual net savings by 2011; (6) authorizing bases to be

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<sup>37</sup> Although the U.S. House of the 108th Congress approved language requiring DoD "to name at least half of the nation's installations as essential to national defense," this issue remains unresolved (Hunter, 2003; H.R.1588, 2003).



placed in an inactive status; (7) limiting the Commission's ability to add bases to the closure list; (8) directing DoD to consider local government views; and (9) postponing the political fallout from BRAC until 2005.

### **C. RECOMMENDATIONS FOR FUTURE RESEARCH**

In conducting this legislative analysis, several areas for future research were discovered. This section outlines two issues that may lead to further inquiry.

On July 1995 President Clinton approved the 1995 BRAC list, but told Congress to allow "Privatization-in-Place" to be an integral part of the BRAC process for two Air Force depots located in voter-rich California and Texas during a presidential election year (Clinton, 1995; Siehl, 1997b). Congress believed the Administration violated the integrity of the BRAC process (H. Rpt. 104-220, 1995). However, in 2001, when the U.S. Senate amended the 1990 BRAC law to authorize a base closure round (S.1438), it excluded legislation addressing the issue of privatization-in-place, even though the earlier Levin-McCain bill (S.397) and the EFI legislative proposal outlined the privatization-in-place policy (S.1438, 2001; S.397, 2001; EFI, 2001b). The policy argument involving executive involvement and the legislative strategy concerning privatization-in-place provide an opportunity for further study.

There is uncertainty associated with the projected personnel reductions attributed solely to BRAC during the Cold War drawdown (CBO, 1998; BRAC 1998, p. 49; Lockwood, 2002, p. 3; Baucus, 2001; Stevens, 2001; Tapp, 2001).

Analysis of DoD's reports reveals, and CBO confirms, that 80 percent of BRAC savings result from personnel reductions (CBO, 1998). However, the U.S. Army doesn't attribute any reductions in military personnel to the 1991 and 1993 base closures, and reports eliminating only five personnel due to the 1995 BRAC round (BRAC Report, 1998). Additionally, the Pentagon's loss of the base closure estimates originally presented to the BRAC Commissions significantly complicates BRAC costs and savings measurement (Lockwood, 2001; CBO, 1998). One area of potential research would be to analyze the exact expenditures, cost avoidances, and savings during BRAC implementation, especially since DoD now expects "the largest-ever BRAC round" in 2005 (CBO, 2003, p. 9).<sup>38</sup>

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<sup>38</sup> DoD must also certify that the recommendations for the BRAC 2005 base closures will result in annual net savings by 2011 (Stump, 2001b).

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